

accepting such a discharge. As part of this discharge request, you would have acknowledged that your characterization of service upon discharge would be other than honorable (OTH). On 30 August 1974, your commanding officer recommended that your request for separation for the good of the service in lieu of trial by court-martial be approved. On 13 September 1974, the staff judge advocate (SJA) reviewed your request and noted that you were being charged with Violation of the Uniform Code of Military Justice (UCMJ), Article 134, wrongful possession of marijuana. The SJA also noted that you had consulted with lawyer counsel and certified, in writing, your understanding of the possible consequences of your request. The SJA found the proceedings sufficient in law and fact and recommended that your request be approved. On 17 September 1974, the separation authority granted your request and directed your discharge. On 27 September 1974, you were discharged from the Marine Corps with an OTH characterization of service.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Wilkie Memo. These included, but were not limited to, your desire to upgrade your discharge character of service and contention that you were never charged or convicted by a court-martial; you did nothing wrong. The Board noted you did not submit any documentation or advocacy letters in support of your application to be considered for clemency consideration.

Based upon this review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your subsequent separation at your request to avoid trial by court-martial, outweighed these mitigating factors. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

11/12/2021

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Executive Director
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