



On 23 August 1983, you were notified that you were being recommended for administrative discharge from the Marine Corps by reason of misconduct due to commission of a serious offense. You were advised of, and waived your procedural rights to consult with military counsel and to present your case to an administrative discharge board (ADB). Prior to your commanding officer's (CO) recommendation, on 24 August 1983, you received your third NJP for absence from your appointed place of duty. Your CO then forwarded your administrative separation package to the separation authority (SA) recommending your administrative discharge from the Marine Corps with an other than honorable (OTH) characterization of service. The SA approved the CO's recommendation and directed your OTH discharge from the Marine Corps by reason of misconduct due to commission of a serious offense. On 23 September 1983, you were so discharged.

As part of the Board's review, a qualified mental health professional reviewed your request and provided the Board with an AO on 27 December 2021. The AO noted that your official military personnel file (OMPF) contained evidence of a diagnosis of a mental health condition prior to your enlistment, which appeared to have not been disclosed until you were in-service. Your in-service records indicated that you did not suffer from a mental health condition. The AO further noted that you did not provide post-discharge information regarding a mental health condition. The information made available did not provide enough markers to establish an onset and development of mental health symptoms or identify a nexus with your misconduct. The AO concluded by opining that the preponderance of available objective evidence failed to establish you suffered from PTSD or other mental health condition at the time of your military service or your in-service misconduct could be mitigated by PTSD or other mental health condition.

The Board carefully reviewed your application, weighed all potentially mitigating factors, and considered your contentions that: 1) you were subjected to racism when you arrived a ■■■■■; 2) your rank was removed for lying, even though you would tell them that the racism drove you crazy; 3) you were seen by a doctor who told "them" you were lying and refused to discharge you; 4) your mind snapped, it was either hurt someone or leave, so you left; and 5) you feel that you deserve an honorable discharge. Unfortunately, after careful consideration of the AO and applying liberal consideration, the Board did not find an error or injustice that warrants upgrading your characterization of service or granting clemency in the form of an upgraded 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 contentions as previously discussed, and your desire to upgrade your discharge character of service. For purposes of clemency consideration, the Board noted your submitted documentation; however, you did not provide supporting documentation describing post-service accomplishments, or advocacy letters. Based upon this review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that the seriousness of your misconduct as evidenced by an unauthorized absence totaling 1322 days, and three NJPs one of which one involved the wrongful use of a controlled substance, outweighed these mitigating factors. Accordingly, given the totality of the circumstances, the Board determined 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,

3/7/2022

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Executive Director

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