



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

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Docket No: 6658-21

Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 20 December 2021. The names and votes of the panel members will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of the Board. Documentary material considered by the Board consisted of your application together with all material submitted in support thereof, relevant portions of your naval record, applicable statutes, regulations, and policies, to include the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice or clemency determinations (Wilkie Memo).

You enlisted in the Marine Corps and began a period of active duty on 27 December 1983. On 2 April 1984, you began a period of unauthorized absence (UA) which lasted 1 hour and 9 minutes. On 1 May 1984, you received nonjudicial punishment (NJP) for a period of UA. On 29 August 1984, your previous NJP sentence was vacated. On 4 September 1984, you were counseled for frequent involvement. You were advised that failure to take corrective action could result in administrative separation. On 5 September 1984, you received a second NJP for violation to guard orders by reading unauthorized content while posted as a sentinel, and violation of guard orders by having a loaded magazine in his weapon while posted as a sentinel. On 14 February 1985, you received a third NJP for sleeping while on guard duty. On 25 February 1985, you were notified of the initiation of administrative separation proceedings by reason of misconduct. On 26 February 1985, you elected your right to an administrative discharge board (ADB). On 14 March 1985, the ADB voted (3) to (0) that you committed misconduct due to minor disciplinary infractions with military authorities. On 22 March 1985, your commanding officer recommended

an other than honorable (OTH) discharge characterization of service by reason of misconduct due to minor disciplinary infractions with military authorities. On 29 March 1985, you received a fourth NJP for being UA from appointed place of duty. On 8 April 1985, your administrative separation proceedings were determined to be sufficient in law and fact. On 12 April 1985, the discharge authority approved and ordered an OTH discharge characterization of service by reason of misconduct due to minor disciplinary infractions. On 15 April 1985, you received a fifth NJP for being UA from appointed place of duty. On 16 May 1985, you were discharged.

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 that: (a) an upgrade to your discharge characterization of service could change your life and your current living conditions; and (b) you have learned your lesson and lived a respectful life following your separation from service. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your repeated misconduct, as evidenced by your NJPs, outweighed these mitigating factors. The Board noted you did not submit any documentation or advocacy letters to be considered. 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 the 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,

1/14/2022

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Executive Director

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