



**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: 6870-21  
Ref: Signature Date



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 22 November 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, and 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 U.S. Marine Corps and began a period of active duty on 19 November 1971. On 26 September 1972, you were counseled concerning indebtedness. On 1 April 1973, you received your first nonjudicial punishment (NJP) for being derelict in the performance of your duties as fire watch. On 11 May 1973, 1 June 1973, and 1 July 1973, you were again counseled for receiving letters of indebtedness. On 15 February 1974, you received a second NJP for being in an unauthorized absence (UA) status. On 1 May 1974, you received an administrative entry documenting you were eligible for promotion but not recommended due to your substandard performance. From 31 July 1974 through 5 August 1975, you received six (6) additional NJPs for multiple infractions of UA ranging from a total of twelve (12) hours to a total of 19 days. You were also counseled two (2) additional times for being eligible but not recommended for promotion. Following your NJP of 11 June 1975, you were counseled regarding your frequent involvement with military authorities and advised that any further involvement of a discreditable nature could result in recommendation for an undesirable discharge. On 15 September 1975, an

analysis of your situation from your Officer In Charge (OIC) provided you received extensive counseling in the Sub-Unit by him and the Company First Sergeant. It further stated the counseling failed to change your attitude toward your responsibilities as a Marine. Lastly, it stated you resisted or ignored the frequent efforts of your superiors to help you, adding, your performance while a member of the Sub-Unit continued to be substandard and your retention would only produce an additional administrative burden. Additional documentation in your service record reveals you were often given time off to seek assistance via Navy Relief, the Chaplain, etc, excusing you from much training to provide you opportunities to care for personal matters. On 15 September 1975, you were also notified of the commanding officer's (CO) intent to recommend to the separation authority that you be discharged with an other than honorable (OTH) characterization of service. On 22 September 1975, a staff judge advocate review of your case documented that you were advised all of the rights to which you were entitled and the proceedings of your case were sufficient in law and fact. On 26 September 1975, the separation authority directed you be discharged with an OTH by reason of misconduct due to minor disciplinary infractions and you were discharged on 16 October 1975.

You made several contentions to include that, (1) while stationed at Camp Lejeune you had a couple of incidents where alcohol was involved, (2) these incidents involved fights both on and off post, (3) you were a young man and regret your behavior, (4) you were placed on restriction when you found out your father was diagnosed with esophagus cancer, (5) your father requested you be permitted to go home to see him, (6) due to your restriction your request was denied and you left without authorization to see him, (7) although your decision to leave was wrong you returned on your own, (8) your command told you they would pursue your discharge from service and if you signed paperwork you would receive a General (under other than honorable conditions) discharge, (9) although you strongly desired to serve you knew that you had brought this on yourself and agreed to sign the paperwork, (10) you were told the discharge would automatically be upgraded to a GEN after six months, (11) you did not receive a GEN discharge nor was your discharge upgraded, (12) you were young and stupid, (13) you take full responsibility for your actions, (14) you are overwhelmingly regretful for your actions, and (15) your separation from the military occurred over 45 years ago and you have spent those years serving your community and trying to better yourself. 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 noted above. The Board viewed your allegations with serious concern. However, this Board is not an investigating agency nor does it have resources to investigate unsubstantiated allegations. Further, no discharge is automatically upgraded due to the passage of time and/or an individual's good behavior after discharge. The Board also noted your remorse for your actions and your post-service accomplishments.

Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your eight (8) NJPs, 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 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,

12/15/2021

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Executive Director

Signed by: █