



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: 7159-21
Ref: Signature Date

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Dear █

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 6 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, 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 5 January 1970. On 17 September 1970, you received your first nonjudicial punishment (NJP) for failing to obey a lawful order. From 4 December 1970 through 8 October 1971, you received six (6) additional NJPs for a multitude of disciplinary infractions ranging from unauthorized absences (UA) to reckless driving. On 20 October 1971, a drug exemption report message documents you stated you abused drugs (marijuana) in October 1967, prior to entering the service. This drug abuse escalated to included methadrines, barbituates, cocaine, and heroin, the latter of which you were using daily. Additionally, you admitted to having used drugs at Camp █, █ FSR █), and MCAS █). On 22 October 1971, you were found guilty at a summary court-martial (SCM) of a UA totaling eight (8) days and of breaking restriction. You were sentenced to be confined for 30 days and to forfeit \$95.00 pay per month for one (1) month. The Convening Authority approved your sentence and suspended your forfeitures for six (6) months. On 12 January 1972, you requested to be discharged for the good

of the service (GOS). This request was favorably endorsed by your commanding officer (CO) who recommended you be separated with an other than honorable (OTH) characterization of service. On 25 January 1972, the staff judge advocate found your proceedings to be sufficient in law and fact. The discharge authority agreed with your CO and directed you be discharged by reason of the (GOS). On 27 January 1972, you were discharged.

You contend the incidents which caused your discharge were erroneous in nature. You add, with the passage of time and your age from then until now, you are a retired disabled veteran and feel your discharge should be upgraded as you seek a just and fair decision. 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 noted you did not submit advocacy letters or post-service documents to be considered for clemency purposes. 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 seven (7) NJPs and SCM, 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,

12/25/2021

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Executive Director

Signed by: █