



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

█
Docket No: 7307-21
Ref: Signature Date



Dear █:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. 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 10 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 Marine Corps and began a period of active duty on 28 July 1980. You subsequently completed this enlistment with an Honorable characterization of service on 1 July 1984 and reenlisted on 2 July 1984. On 6 November 1985, you received non-judicial punishment (NJP) for an unauthorized absence and failure to go at the time prescribed to your appointed place of duty. On 23 December 1985, you received your second NJP for failure to go at the time prescribed to your appointed place of duty. On 2 April 1986, you were convicted by summary court-martial (SCM) of wrongful use of marijuana. On 15 May 1986, you received your third NJP for failure to go at the time prescribed to your appointed place of duty.

Subsequently, you were notified that you were being recommended for administrative discharge from the Marine Corps by reason of misconduct due to pattern of misconduct. You were advised of, and waived, your procedural rights, to include your right to consult with and be represented by military counsel, and your right to present your case to an administrative discharge board

(ADB). Your commanding officer (CO) then forwarded your administrative separation package to the separation authority (SA) recommending 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 by reason of misconduct due to pattern of misconduct. On 28 July 1986, you were so 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 desire to upgrade your discharge character of service and submission of supporting documentation. 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 three NJPs and SCM conviction that involved the wrongful use of a controlled substance, outweighed these mitigating factors. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

Be advised, because of your continuous period of honorable service from 28 July 1980 to 1 July 1984, you may be eligible for veteran's benefits. You should contact the nearest office of the Department of Veterans Affairs (VA) if you desire clarification about your eligibility for benefits.

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,

12/25/2021

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Executive Director

Signed by: █