



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

■
Docket No: 7615-21
9793-19
Ref: Signature Date



Dear Petitioner:

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.

Because your application was submitted with new evidence not previously considered, the Board found it in the interest of justice to review your application. A three-member panel of the Board, sitting in executive session, considered your application on 2 February 2022. 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 1 October 1963. On 8 February 1964, you received non-judicial punishment (NJP) for absence from your appointed place of duty. On 19 October 1964, you were convicted by special court-martial (SPCM) for an unauthorized absence totaling 30 days.

On 18 May 1965, you received NJP for disrespect in language toward a superior noncommissioned officer. On 15 November 1965, you were convicted by SPCM for an unauthorized absence totaling 108 days. You were sentenced to confinement, forfeitures of pay, and a bad conduct discharge (BCD). However, on 8 December 1965, the Convening Authority disapproved your BCD and any confinement and forfeitures in excess of four months.

On 25 April 1966, you received NJP for violation of a lawful order by departing for liberty without your liberty card. On 30 April 1966, you again received NJP for failure to obey a lawful order. On 25 August 1966, you were convicted by SPCM of an unauthorized absence totaling 81 days and breaking restriction. You were sentenced to confinement, forfeiture of pay and a BCD. The BCD was subsequently approved at all levels of review, and on 16 January 1967, you were discharged from the Marine Corps with a BCD.

In reviewing your separation and characterization of service, the Board considered the totality of the circumstances to determine whether relief is appropriate today in the interests of justice in accordance with guidance provided by the Wilkie Memo. Accordingly, the Board carefully considered all potentially mitigating factors, such as your desire to upgrade your discharge character of service and submission of supporting documentation. The Board also considered your statement that you are requesting for reconsideration of your case based on your “stuttering and right knee condition.”

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 your four NJPs and three SPCM convictions and subsequent BCD, outweighed these mitigating factors. Additionally, the Board did not find evidence of an error or injustice that warrants upgrading your characterization of service. 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 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,

2/14/2022

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Executive Director

Signed by: █