



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: 7802-21

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 31 January 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, 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 14 July 1982. On 6 April 1983, you received nonjudicial punishment (NJP) for stealing lieutenant insignias and one pack of lance corporal chevrons from the Marine Corps Exchange (MCX). On 20 April 1983, you were counseled for poor judgment, conduct unbecoming a Marine, and substandard performance. You were advised that failure to take corrective action could result in administrative separation. On 16 September 1983, you began a period of unauthorized absence (UA) which lasted two days, 16 hours, and 30 minutes. On 5 October 1983, you received a second NJP for dereliction of duty, disobeying a lawful order from a noncommissioned officer, disobeying a lawful order from a commissioned officer, and a period of UA. On the same date, your previous NJP sentence was vacated. On 15 February 1984, you received a third NJP for having 66 rounds of .45 ammunition unsecured in your wall locker, and stealing two York peppermint patties from the MCX. On the

same date, you were counseled for conduct unbecoming of a Marine by shoplifting. You were advised that failure to take corrective action could result in administrative separation by reason of substandard performance. On 7 June 1984, you were charged with two instances of stealing U.S. government property. On the same date, you requested to be administratively separated from the Marine Corps in lieu of trial by court martial. On 11 June 1984, your administrative separation proceedings were determined to be sufficient in law and fact. On 13 June 1984, the discharge authority approved your request for administrative separation in lieu of trial by court martial. On 3 July 1984, you were discharged with an other than honorable discharge characterization of service by reason of separation in lieu of trial by court martial.

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) you worked for NCIS to end the use of illegal drugs inside your squadron; (b) the drug dealers in your unit were those Marines who got promoted and were considered the best in your unit; and (c) you elected to get involved with helping veterans by becoming a facilitator of programs designed to get their lives together. 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 submit six certificates of course completions, three certificates of achievement, and one certificate of training facilitator 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,

2/11/2022

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Executive Director

Signed by: █