



**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: 1253-22

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 21 March 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 21 December 1983. On 12 March 1985, you were counseled for lack of responsibility by writing dishonorable checks. You were advised that failure to take corrective action could result in administrative separation. On 19 March 1985, you were counseled for involvement with alcohol related incidents. You were advised that failure to take corrective action could result in administrative separation. On 24 March 1985, you received nonjudicial punishment (NJP) disobeying a lawful order by going out when liberty was secured. On 6 May 1985, you were again counseled for writing dishonorable checks and intemperate use of alcohol. You were advise that failure to take corrective action could result in administrative separation. On 8 September 1986, you received a second NJP for disobedience of a lawful written order by failing to advise your Battalion OOD about your whereabouts at █. On 12 September 1986, you were counseled for developing a pattern of misconduct as evidenced by your NJP's and numerous counselings. You

were advised that failure to take corrective action could result in administrative separation. On 3 October 1986, you were convicted by summary court martial (SCM) for an orders violation and failure to report to your appointed place of duty. You were sentenced to restrictions for 45 days, and forfeiture of pay. On 12 April 1987, you began a period of unauthorized absence (UA) which lasted three days. On 28 May 1987, you received a third NJP for a period of UA. On the same date, your previous NJP sentence was vacated. On 12 June 1987, pathology results indicated that you tested "positive" for use of a controlled substance-cocaine. On 23 June 1987, you were charged with wrongful use of a controlled substance-cocaine and breaking restriction. On 13 July 1987, you requested separation in lieu of trial by court martial. On 14 July 1987, your administrative separation proceedings were determined to be sufficient in law and fact. On 15 July 1987, the discharge authority approved your request for separation in lieu of trial by court martial. After your request was approved, on 27 July 1987, you were discharged with an other than honorable (OTH) discharge characterization of service.

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 contention that you are not the same person you were while serving in the Marine Corps and that you should have received a General (under honorable conditions) characterization of service at the time of separation. 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 multiple NJPs, counselings, and SCM conviction, outweighed these mitigating factors. The Board found your conduct displayed a complete disregard for military authority and regulations. As a result, the Board concluded that your conduct constituted a significant departure from that expected of a Marine and warrants an OTH characterization of service. The Board also noted you did not submit any post-discharge documentation or advocacy letters 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,

3/31/2022

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Executive Director  
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