



On 17 September 1981, you submitted a written request for separation for the good of the service in lieu of trial by court-martial for an unauthorized absence totaling 334 days. Prior to submitting this request, you conferred with a military lawyer at which time you were advised of your rights and warned of the probable adverse consequences of accepting such a discharge. As part of this discharge request, you admitted your guilt to the foregoing offense and acknowledged that your characterization of service upon discharge would be other than honorable (OTH). The separation authority approved your request and directed your commanding officer to discharge you with an OTH characterization of service, and on 9 October 1981, you were so discharged. This Board previously denied your request for relief on 23 March 2020.

As part of the Board's review, a qualified mental health professional reviewed your request and provided the Board with an AO on 23 February 2022. The AO noted that in service, you were diagnosed with a possible personality disorder, indicating unsuitability for military service. Post-service, civilian providers determined a diagnosis of PTSD may be partially attributed to military service. The AO further noted that while it is possible that your misconduct could be related to unrecognized PTSD avoidance symptoms, it is difficult to establish a nexus between your in service misconduct and post-discharge PTSD which was diagnosed more than three decades after your separation and given the limited information regarding your purported traumatic events in service from your medical records and personal statement. The AO concluded that additional records are required to render an alternate opinion, and stated that there is post-service evidence that you may have incurred PTSD or another unfitting mental health condition during military service; however, there is insufficient evidence that all of your misconduct could be attributed to PTSD or another unfitting mental health condition.

The Board carefully reviewed your application, weighed all potentially mitigating factors, and considered your contention that you were treated unjustly. You further state your reasoning for going in an unauthorized absence status was for your safety. Additionally, you feel that your discharge should be upgraded based on your "paranoia, anxiety attacks, racial discrimination, nightmares, and KKK meetings that were happening." Unfortunately, after careful consideration of the AO, your submission of supporting documentation, and applying liberal consideration, the Board did not find an error or injustice that warrants granting clemency in the form of upgrading your 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 desire to upgrade your discharge character of service and contentions as previously discussed. For purposes of clemency consideration, the Board noted your submission of supporting documentation; however, you did not provide supporting documentation describing post-service accomplishments. 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 five NJPs, SPCM conviction, and an extensive period of unauthorized absence that formed the basis for your discharge, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and concluded your record of misconduct showed a complete disregard for military authority and regulations. As a result, the Board determined your conduct

constituted a significant departure from that expected of a Marine and continues to warrant an OTh characterization. Finally, the Board noted you already received significant mitigation when the Marine Corps accepted your request to be separated in lieu of trial by court-martial. The Board felt that you likely avoided a punitive discharge based on the length of your UA and prior history of misconduct. 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,

4/28/2022

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Executive Director

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