



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: 1775-22
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.

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 4 April 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 U.S. Marine Corps and began a period of active duty on 3 October 1972. On 28 January 1974, you received a letter of appreciation for duties you performed during the period 15 October 1973 through 31 December 1973 for processing 988,442 pounds of mail for personnel on Okinawa during the Christmas mailing period. On 19 June 1975, you received your first nonjudicial punishment (NJP) for two specifications of unauthorized absence (UA) the first totaling 20 days, the second 232 days. On 15 December 1975, you received a second NJP for failing to obey a written order. On 6 May 1976, you received a third NJP for failing to obey a lawful order followed by a fourth NJP on this date for incurring another period of UA which lasted less than 24 hours.

Unfortunately, the documents related to your administrative separation are not in your official military personnel file (OMPF). In this regard, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the

contrary (as is the case at present), will presume that they have properly discharged their official duties.

Your Certificate of Release or Discharge from Active Duty (DD Form 214), reveals that you were separated from the Marine Corps on 11 June 1976 with a General (Under Honorable Conditions) (GEN) characterization of service, your narrative reason for separation is "Release From Active Duty," your separation code is "HBK1," and your reenlistment code is "RE-3C."

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. The Board also considered assertions that, aside from your marriage and children, the thing you are most proud of is the chance you had to serve your country. Further, the Board noted your contentions that, (1) you were young, foolish, and made some bad choices/mistakes, (2) you have matured over the years, (3) you would like to correct your mistakes, and (4) the attempt to correct your mistakes is not to change you entitlements or benefits but simply for yourself and your children. 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 four NJPs and periods of UA totaling 232 days, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct along with the negative effect your conduct likely had on your command. 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,

4/25/2022

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Executive Director

Signed by: █