



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: 1890-22
Ref: Signature Date

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Dear █

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 6 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 Marine Corps and began a period of active duty on 21 October 1983. On 23 July 1984, you received non-judicial punishment (NJP) for two specifications of failure to go at the time prescribed to your place of duty. On 22 October 1984, you received your second NJP for wrongful possession and use of marijuana. On 21 December 1984, you received your third NJP for two specifications of absence from your appointed place of duty and disobeying a lawful order from a Warrant Officer.

On 14 April 1985, you were notified that you were being recommended for administrative discharge from the Marine Corps by reason of misconduct due to pattern of misconduct. You were advised of, and waived, your procedural rights, to include your right to consult with and be represented by military counsel, and your right to present your case to an administrative discharge board (ADB). Your commanding officer (CO) then forwarded your administrative separation package to the separation authority (SA) recommending your administrative discharge

from the Marine Corps with an other than honorable (OTH) characterization of service. The SA approved the recommendation and directed your OTH discharge by reason of misconduct due to pattern of misconduct, and on 1 July 1985, you were so discharged.

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 contention that when you graduated boot camp your MOS was changed from “computers to administrative.” You further state that you were promised a primary Military Occupational Specialty (MOS) of working with computers by your recruiter but assigned to work odd jobs and, when you were placed onboard a ship, it ruined your career.

For purposes of clemency consideration, the Board noted you did not provide a statement or supporting documentation describing post-service accomplishments, or advocacy letters. 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 three NJPs, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct that included drug abuse and determined it showed a complete disregard for military authority and regulations. As a result, the Board concluded your conduct was a significant departure from that expected of a Marine and continues to warrant an OTH characterization. While the Board considered your contentions, they found no evidence in the record, and you presented none, to support your contention. 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

Signed by: █