



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

█
Docket No: 1956-22

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 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, 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 30 September 1969. On 22 April 1971, you received nonjudicial punishment (NJP) for disrespect towards a commissioned officer. On 8 June 1971, you began a period of unauthorized absence (UA) which lasted four days, and 4 hours. On 21 June 1971, you received a second NJP for a period of UA. On 1 July 1971, you began a second period of UA which lasted two days and resulted in your apprehension by civil authorities. On 2 July 1971, you began a third period of UA which lasted 13 days, 1 hour, and 25 minutes. On 29 September 1971, you requested a drug abuse grant exception as a result of drug user self-admission. On 30 September 1971, a medical officer diagnosed you with drug addiction and recommended for administrative separation from service. On 12 October 1971, you received a third NJP for a period of UA from appointed place of duty. On the same date, you were notified of the initiation of administrative separation proceedings by reason of misconduct as a result of drug abuse self-admission. On 13 October 1971, you received a fourth NJP for a period of UA from appointed place of duty. On 27 October 1971, your commanding

officer recommended an honorable discharge characterization of service by reason of unfitness. On 12 November 1971, you received a fifth NJP for a period of UA. On 29 November 1971, your administrative separation proceedings were determined to be sufficient in law and fact. On 4 December 1971, the discharge authority approved your separation and ordered a General characterization service by reason of unfitness. On 14 December 1971, you were 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 contentions that you are a combat veteran who served honorably in the Marine Corps and that you were told that your discharge characterization of service would be upgraded in 6 months following your separation from service. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your history of repeated misconduct, as evidenced by your NJPs, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and concluded your actions showed a complete disregard for military authority and regulations. Further, the Board noted you did not submit any documentation or advocacy letters to be considered. As a result, the Board found that significant negative aspects of your active duty service outweighed the positive aspects and continues to warrant a General characterization of service. 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,

4/25/2022

█

Executive Director

Signed by: █