



you were spared the stigma of a court-martial conviction, as well as the potential penalties of such a punitive discharge. On 18 November 1983, 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 and contentions that your discharge was improper because no hearing was conducted to allow you to explain the reason for your UA, you were young and immature when you enlisted, and your recruiter guaranteed you an administrative MOS but you were assigned to infantry.

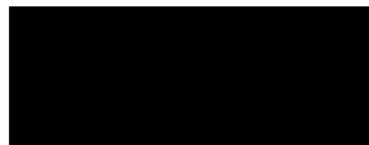
The Board noted that the record contains documented evidence that you received the required due process with regard to the misconduct that formed the basis for your discharge and OTH. As previously discussed, your record documents that you requested a GOS discharge to escape trial by court-martial. As part of your request, you admitted guilt to your misconduct and that you may receive an OTH discharge. Based on this evidence, the Board was not persuaded by your injustice arguments regarding the lack of a hearing or meeting to discuss the circumstances of your UA since you received a great benefit by avoiding a trial by court-martial. Lastly, the Board noted that there is no evidence in your record, and you submitted none, to support your contention that your recruiter guaranteed you an administrative MOS.

Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your lengthy period of UA and request for GOS discharge, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the negative impact your conduct had on the good order and discipline of your unit. As a result, the Board concluded your conduct was a significant departure from that expected from a Marine and continues to warrant an OTH characterization. The Board did not find evidence of an error or injustice that warrants upgrading your characterization of service or granting clemency in the form of an upgraded 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 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,

5/6/2022

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Executive Director

Signed by:

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