

Corps. On 28 January 1975, you requested a mast with the commanding general. On 31 January 1975, your administrative separation proceedings were determined to be sufficient in law and fact. On 3 February 1975, the commanding general approved your undesirable discharge but also suspended it for one year. You were advised that further misconduct will result on immediate separation from the Marine Corps. Accordingly, on 6 February 1975, your discharge was suspended. On 28 February 1975, you began a period of UA which lasted ten days, 17 hours, and 56 minutes. On 11 March 1975, you received nonjudicial punishment (NJP) for a period of UA. You appealed the NJP but were denied relief on 10 April 1975. On 21 April 1975, your commanding general directed an ADB hearing. On 23 April 1975, you failed to show cause supporting the suspension of an undesirable discharge. On 24 April 1975, your commanding officer recommended that your previous discharge suspension be vacated. On 3 June 1975, you were discharged with an Other Than Honorable (OTH) discharge characterization of service by reason of misconduct due to civil conviction.

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 for a discharge upgrade and contentions that your discharge was attributed to a false accusation and racism, that you endured an emotional battle attributed to the circumstances surrounding your discharge, and that you were diagnosed with Multiple Myeloma as a result of being stationed at Camp Lejeune. For purposes of clemency consideration, the Board noted you did not provide supporting documentation describing post-service accomplishments, or advocacy letters.

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 NJP and civil conviction, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact your original discharge was suspended to allow you an opportunity to correct your behavior. Ultimately, the Board found your conduct showed a disregard for military authority and regulations. Further, the Board found no evidence to support your allegations of false accusations and racism. In reviewing your record, the Board noted the Marine Corps appeared to give you every opportunity to overcome your conduct deficiencies contrary to your unsubstantiated assertions of mistreatment. As a result, the Board concluded your conduct constituted a significant departure from that expected of a Marine and continues to warrant an OTH characterization. After applying liberal consideration, 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 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, _____

7/4/2022

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Executive Director

Signed by: █