

civil authorities and charged with burglary. On 5 September 1969, you were convicted by special court martial (SPCM) for a period of UA. You were sentenced to confinement at hard labor, and forfeiture of pay.

As a result of your misconduct, on 27 September 1969, you were notified of the initiation of administrative separation proceedings by reason of civil conviction due to dangerous drugs, at which point, you elected to waive all your procedural rights. On 28 September 1969, your commanding officer recommended an Other Than Honorable (OTH) discharge characterization of service. On 8 October 1969, your separation proceedings were determined to be sufficient in law and fact. On 31 October 1969, the discharge authority approved and ordered an OTH discharge characterization of service due to unfitness. On 10 November 1969, you were discharged. On 5 November 1974, the Navy Discharge Review Board denied your request for a discharge upgrade based on a finding that your discharge was not related to your drug abuse.

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 reason separation and characterization of service was erroneous, that it warrants a discharge upgrade, and that you were eligible for separation under the guidance provided by the Secretary of Defense █ memorandum. 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, SPCM, and civilian conviction, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact it included a drug offense. Additionally, the Board considered the prejudicial nature of your civilian misconduct on the Marine Corps. Finally, the Board found no merit to your argument that your discharge should have been upgraded based on the Laird memo. In reviewing your basis for separation, the Board noted you were discharged for a civilian conviction and not drug abuse. Therefore, the Board concurred with the Navy Discharge Board decision in your case. 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, _____

6/15/2022

[REDACTED]

Executive Director

Signed by [REDACTED]