



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: 3767-22
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 6 June 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 9 October 1985. On 2 December 1986, you received nonjudicial punishment (NJP) for sleeping while post as a sentinel and failure to obey a lawful order by wrongfully having alcohol in the barracks. On 11 December 1986, you were counseled for missing your identification card (ID) in two separate occasions. You were advised that failure to take corrective action could result in administrative separation. On 8 December 1987, you were counseled for frequent involvement with civil authorities due to an alcoholic related incidents. You were advised that failure to take corrective action could result in administrative separation. On 7 January 1987, you received a second NJP for two instances of failure to report to your prescribed place of duty. On the same date, you were counseled for developing a pattern of misconduct. You were advised that failure to take corrective action could result in administrative separation. On 26 January 1987, you were counseled for developing a pattern of misconduct by writing and cashing worthless checks. You were advised that failure to take corrective action could result in administrative separation. On

2 July 1987, you received a third NJP for failure to report to your prescribed place of duty. On 21 October 1987, you were counseled for losing your ID card, making a false statement, and falsifying an official document. You were advised that failure to take corrective action could result in administrative separation. On 22 December 1987, a medical officer diagnosed you with chronic alcohol usage and recommended that you were administratively separated from service. On 11 May 1988, you received a fourth NJP for being disrespectful in language and assault. On 20 June 1988, you were notified of the initiation of administrative separation proceedings by reason of misconduct due to pattern of misconduct. On 21 June 1988, you elected to waive all your procedural rights. On the same date, your commanding officer recommended an Other Than Honorable (OTH) discharge characterization service by reason of misconduct due to pattern of misconduct. On 5 July 1988, your administrative separation proceedings were determined to be sufficient in law and fact. On 7 July 1988, the discharge authority approved and ordered your OTH discharge characterization of service by reason of misconduct due to pattern of misconduct. On 22 July 1988, 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 desire to upgrade your discharge and contention that your gunnery sergeant was constantly targeting you and threatened to get you out of the service. 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 NJPs, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and concluded your conduct showed a complete disregard for military authority and regulations. The Board also considered the likely negative impact your misconduct had on the good order and discipline of your unit. Finally, the Board found no evidence to substantiate your allegation that you were targeted by your chain of command and unfairly punished. 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, _____

6/30/2022



Executive Director

Signed by: █