



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 have your husband's discharge upgraded in order to qualify for VA pension and survivors benefits and contentions that your husband was a great man of character, that he was young and naïve at the time of his enlistment, that he was well-known and respected in the community, that he was a wonderful husband, father, and foster parent who adopted two children, and that he served as a manager for 35 years in the painting industry. 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 husband's misconduct, as evidenced by his NJPs and SPCM, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the likely negative impact it had on the good order and discipline of his unit. Further, the Board took into consideration the prejudicial impact his civilian conviction had on the Marine Corps. As a result, the Board concluded his conduct constituted a significant departure from that expected of a Marine and continues to warrant an OTH characterization. While the Board was sympathetic your desire for VA benefits and commended your husband's post-discharge good character, after applying liberal consideration, the Board did not find evidence of an error or injustice that warrants upgrading his 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,

7/7/2022

█

Executive Director

█