



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: 3989-22
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. 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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 18 July 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 this 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, and 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 and entered a period of active duty in the Marine Corps on 17 February 1970. On 11 March 1970, an Aptitude Board noted that your reading test scores were low and you were not able to retain material presented during course instruction. The Aptitude Board recommended that you be discharged with an Honorable characterization of service due to unsuitability by reason of illiteracy, and you were notified of pending administrative processing the same day. On 25 March 1970, you were so discharged with the reason and authority indicated as "260-Par 6016.1a Marine Corps Separation & Retirement Manual & BUMEDINST 1910.1c."

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 narrative reason for separation and reenlistment code. In addition, the Board considered your contentions that while in basic training you were told that you were being discharged because you were stupid, you were not given an opportunity to consult with counsel, you have questioned yourself over the years and that your reenlistment code

looks dubious with an RE-4, you had no military infractions and passed all requirements, and post-discharge, you drove trucks for 41 years. You also state that you are diagnosed with severe COPD. 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 the basis of your narrative reason for separation and reenlistment code were supported by your service record. In its deliberations, the Board noted the basis for your discharge was difficulty in retaining material taught during course instruction. An Aptitude Board was convened to determine your ability to continue with your training based on your inability to pass the course testing requirements. The Aptitude Board concluded you did not possess the necessary aptitude to continue in the Marine Corps and recommended your discharge. Based on the Board's review of your record, you were provided all the due process required by applicable regulations. As a result, the Board concluded your narrative reason for separation remains appropriate along with your assigned reenlistment code. While the Board commends your post-discharge accomplishment and is sympathetic to your current medical condition, after applying liberal consideration, the Board did not find evidence of an error or injustice that warrants changing your narrative reason for separation, reenlistment code or granting clemency in your case. 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,

8/11/2022

[REDACTED]

Executive Director

Signed by: [REDACTED]