



for being disrespectful in language and demeanor towards an NCO. On 3 August 1983, you received a sixth NJP for missing restriction muster and UA from appointed place of duty. As a result, on 5 August 1983, you were notified of the initiation of administrative separation proceedings by reason of misconduct due to minor disciplinary infractions. On 9 August 1983, you elected to waive all your procedural rights. On 15 August 1983, your commanding officer recommended an Other Than Honorable (OTH) discharge characterization of service by reason of misconduct due to minor disciplinary infractions. On 25 August 1983, your administrative separation proceedings were determined to be sufficient in law and fact. On 31 August 1983, the discharge authority approved an ordered an OTH discharge characterization of service by reason of misconduct. On 1 September 1983, you were discharged.

On 12 December 2008, this Board denied your request for a discharge characterization upgrade. Your request for reconsideration was also denied, on 8 April 2015, based on a lack of new evidence.

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 the discharge characterization of service you received was too harsh, that you should been given a General (Under Honorable Conditions) discharge since you were awarded a good conduct medal, and that you were told that your discharge would automatically upgrade six months following your discharge from 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 six NJPs, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and concluded that it showed a complete disregard for military authority and regulations. Based on this conclusion, the Board disagreed with your assertion that your characterization of service was too severe based on your misconduct. The Board also noted that there is no provision of federal law or in Marine Corps regulations that allows for a discharge to be automatically upgraded after a specified number of months or years. 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, \_\_\_\_\_  
7/15/2022

[REDACTED]

Executive Director

Signed by: [REDACTED]