

nonjudicial punishment (NJP) for disobeying a lawful order. On 1 May 1974, you began a third period of UA which lasted eight days. On 16 May 1974, you were convicted by summary court martial (SCM) for three periods of UA. You were sentenced to reduction in rank, restriction, and forfeiture of pay. On 22 June 1974, a medical officer diagnosed you with drug abuse and antisocial behavior. On 8 July 1974, you were convicted by SCM for possession and selling of a controlled substance. You were sentenced reduction in rank, confinement at hard labor, and forfeiture of pay. On 18 July 1974, you began a fourth period of UA which lasted six days and resulted in your second NJP on 25 July 1974. From a period beginning on 31 July 1974 to 2 April 1975, you began four periods of UA adding to a total of 89 days and resulting in your apprehension by civil authorities. On 24 February 1976, you were convicted by civilian authorities for robbery and sentenced to civilian confinement. On 31 January 1977, your CO recommended an Other Than Honorable (OTH) discharge characterization of service by reason of misconduct due to civil conviction. On 1 February 1977, your administrative separation proceedings were determined to be sufficient in law and fact. On 25 February 1977, the discharge authority approved and ordered an OTH discharge characterization by reason of misconduct due to civil conviction. On 3 March 1977, 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 for a discharge upgrade and contentions that you were not given legal due process and your mental status has changed since you were discharged 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 NJPs, SCMs, and civilian conviction, 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 your unit. Further, the Board took into consideration the discrediting nature of your civilian conviction on the Marine Corps. 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, _____

9/7/2022

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Executive Director

Signed by: █