



martial (SPCM) of UA totaling seven days and breaking restriction. On 21 October 1957, you received your second NJP for AAPD. On 15 November 1957, you received your second conviction by a SCM of UA totaling two days.

On 2 April 1958, you received your third NJP for UA and AAPD. On 11 April 1958, you were evaluated by a military psychiatrist, and found to be “immature, but free of psychiatric illness.” On 16 April 1958, you received your third conviction by a SCM of UA totaling three days and breaking restriction. On 12 June 1958, you received your fourth NJP for absence for AAPD.

On 30 June 1958, you were notified that you were being recommended for administrative discharge from the Marine Corps by reason of misconduct due to unfitness. You elected your procedural right to consult with military counsel and to present your case to an administrative discharge board (ADB). On 24 July 1958, an ADB was convened and determined that the preponderance of the evidence supported a finding of misconduct and recommended that you be separated from the Marine Corps with an Other Than Honorable (OTH) characterization of service. The separation authority approved the recommendation for administrative discharge and directed your OTH discharge from the Marine Corps. On 15 August 1958, you were discharged from the Marine Corps with an OTH characterization of service by reason of unfitness.

Post-discharge, you applied to the Naval Discharge Review Board (NDRB) for a discharge upgrade. On 11 August 1981, the NDRB denied your request after determining your discharge was proper as issued.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Kurta, Hagel, and Wilkie Memos. These included, but were not limited to, your desire to upgrade your discharge character of service and contention that you were promised a “General discharge”, but it was given to someone else. The Board considered your assertion that you were a troubled youth that became an honor platoon member, you have repented, and you are a stellar community member that desires no benefits other than being a proud Marine and having a positive legacy for your children and grandchildren. For purposes of clemency consideration, the Board noted you did not provide supporting documentation describing post-service accomplishments or advocacy letters.

As part of the Board’s review, a qualified mental health professional reviewed your request and provided the Board with an AO on 29 August 2022. The AO noted in pertinent part:

There is no evidence that he was diagnosed with a mental health condition in military service, or that he exhibited any psychological symptoms or behavioral changes indicative of a diagnosable mental health condition. During his disciplinary processing, he was evaluated and no mental health condition was identified. He has provided no medical evidence of a mental health condition. Unfortunately, his personal statement is not sufficiently detailed to establish clinical symptoms or provide a nexus with his misconduct. Additional records (e.g., post-service mental health records describing the Petitioner’s diagnosis,

symptoms, and their specific link to his misconduct) would aid in rendering an alternate opinion.

The AO concluded, “it is my considered clinical opinion there is insufficient evidence of a diagnosis of PTSD that may be attributed to military service. There is insufficient evidence his misconduct could be attributed to PTSD.”

Based upon this review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your four NJPs, three SCMs, and SPCM, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and concluded your misconduct showed a complete disregard for military authority and regulations. The Board also considered the likely negative impact your conduct had on the good order and discipline of your unit. Additionally, the Board concurred with the AO that there is insufficient evidence of a diagnosis of PTSD that may be attributed to military service or that your misconduct could be attributed to PTSD. While the Board considered your contention, the Board noted you did not provide any substantiating evidence to support your allegation other than your narrative of events. As a result, the Board determined your conduct constituted a significant departure from that expected of a Marine and continues to warrant an OTH characterization. Even in light of the Wilkie Memo and reviewing the record holistically, 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 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,

10/24/2022

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Executive Director

Signed by: █