



**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: 4541-22

Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your father's naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your father's 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 application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 17 August 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 the 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 entered active duty with the Marine Corps on 12 February 1973. During the period from 20 March 1973 to 26 October 1973, you received two non-judicial punishments (NJP) for unauthorized smoking and sleeping on post. On 1 October 1973, a medical officer diagnosed you with Pseudo Folliculitis. As a result, you were notified of pending administrative separation action by reason of convenience of the government (COG) due to Pseudo Folliculitis. After you waived your rights, your commanding officer forwarded your package to the separation authority recommending a General (Under Honorable Conditions) characterization of service due to Pseudo Folliculitis. On 16 January 1974, the SA approved the CO's recommendation. However, on 23 January 1974, you received an additional NJP for drinking alcohol in an unauthorized area. On 31 January 1974, you were so discharged. Your final conduct and proficiency marks at discharge were 3.3 and 3.6.

Post-discharge, you applied to the Naval Discharge Review Board (NDRB) for a discharge upgrade. On 22 February 1978, the NDRB denied your request after determining that 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 Wilkie Memo. These included, but were not limited to, your desire to upgrade your discharge and contention that you were discharged due to a skin condition. 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 three NJPs, outweighed these mitigating factors. The Board noted you were not discharged for your misconduct and, therefore, received a discharge characterization warranted by your service record. Based on your final conduct and proficiency marks at discharge, the Board concluded you did not qualify for an Honorable characterization of service. Based on these factors, the Board concluded that the preponderance of the evidence supports a finding that the negative aspects of your service outweighed the positive aspects and continues to warrant a General (Under Honorable Conditions) characterization of service. 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 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,

8/25/2022

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