



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: 5793-22
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 application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 16 November 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 enlisted in the Marine Corps and began a period of active service on 3 January 1963. From the period beginning on 23 July 1963 to 25 July 1964, you received non-judicial punishment (NJP) on six occasions for the following charges: three specifications of unauthorized absence (UA), disrespect to an NCO, three specifications of failure to obey a lawful order, having possession of a false liberty card, disrespect toward a superior officer, willful disobedience of a superior officer, and drunk and disorderly. You were convicted at a special court-martial (SPCM) and found guilty for two specifications of UA on 5 February 1965. You received your seventh NJP on 28 January 1966 for two specifications of UA, and failure to obey a lawful order. On 18 April 1968, you were convicted at a general court-martial (GCM) for over 650 days of UA. You were sentenced to a bad conduct discharge (BCD), forfeiture in pay, and confinement. You were discharged on 27 September 1968 with a BCD, as a result of your court-martial conviction.

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 the character of your service, your contentions that you entered into the Marine Corps, married, and had a child at a young age. You further contend that it has been almost 60 years since your discharge and you have been an upstanding citizen since your discharge.

Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. After applying liberal consideration, the Board did not find evidence of an error or injustice that warrants upgrading your characterization of service. In making this finding, the Board considered your contentions but found the seriousness of your repeated misconduct and the likely negative impact it had on the good order and discipline of your unit. This led the Board to conclude you showed a complete disregard for military authority and regulations as evidenced by your seven NJPs, SPCM, and GCM. The Board determined based on the gravity of the offenses charged in your case, trial by court-martial was warranted and your conviction and subsequent discharge appropriately characterizes your service. Outside of your statement, you did not submit any documentation or advocacy letters in support of your application to be considered for clemency consideration. 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,

12/6/2022

[REDACTED]

Executive Director

Signed by: [REDACTED]