

19 April 1974 to 19 June 1974, you began two periods of UA totaling 49 days, 12 hours, and 40 minutes. On 5 September 1974, your commanding officer recommended a trial by special court martial (SPCM) for two periods of UA, disobeying a lawful order from a superior officer, and violation of a lawful general order. Subsequently, you submitted a request to be discharged for the good of the service in lieu of trial by court-martial. On 25 October 1974, the staff judge advocate recommended approval of your request for an Other Than Honorable (OTH) discharge characterization for the good of service. On 30 October 1974, the discharge authority approved your request for an OTH discharge characterization for the good of service. On 13 November 1974, 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 witnessed several incidents in which the drill instructors mistreated recruits and you were the victim of mistreatment. 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 and good of the service request, 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 noted that you provided no evidence to substantiate your contentions. Finally, the Board determined that you already received a large measure of clemency when the Marine Corps agreed to administratively separate you in lieu of trial by court-martial; thereby sparing you the stigma of a court-martial conviction and likely punitive discharge. 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,

10/6/2022

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Executive Director

Signed by: █