



You submitted a statement with said request that states, “I also believe that the Marine Corps would be better off without me because I don’t believe that I can make it any more...I have had explained to me by my attorney and I fully understand the various veterans benefits I may be deprived of, should I be discharged with an undesirable discharge. Knowing and understanding this, I still desire to be discharged with an undesirable discharge.”

On 7 March 1975, your commanding officer (CO) favorably endorsed your request and added, “[Petitioner] has a poor attitude and lacks any respect whatsoever for military authority. It is felt that because of this and the lengthy periods of unauthorized absence that [Petitioner] should be expeditiously processed...” On 10 March 1975, the Separation Authority approved your request and directed you be discharged with an Other Than Honorable (OTH) characterization of service. On 18 March 1975, you were so discharged.

On 30 March 1986, your request for a discharge upgrade from the Naval Discharge Review Board was denied.

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 contentions that you deserve relief “because of injuries while on active duty” and because you are still in need of assistance resulting from a head injury received while on active duty. For purposes of clemency and equity consideration, the Board noted you did not provide advocacy letters or supporting documentation describing post-service accomplishments.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined your misconduct, as evidenced by your NJPs and request to be discharged for the good of the service, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and found that your conduct showed a complete disregard for military authority and regulations. Further, the Board also noted that the misconduct that led to your request to be discharged in lieu of trial by court-martial was substantial and, more likely than not, would have resulted in a punitive discharge and extensive punishment at a court-martial. Therefore, the Board determined that you already received a large measure of clemency when the convening authority 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. Finally, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating veterans’ benefits, or enhancing educational or employment opportunities. As a result, the Board concluded your conduct constituted a significant departure from that expected of a service member 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 granting you the relief you requested or granting relief as a matter of clemency or equity. 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,

3/3/2023

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Executive Director

Signed by: █