



**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. 2817-23  
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your spouse's naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your spouse'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 1 May 2023. 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 spouse's 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).

Your spouse entered active duty with the Marine Corps on 28 February 1979. During the period from 18 September 1979 and 7 November 1979, he received two non-judicial punishments (NJP) for willfully disobeying a lawful order and absence from appointed place of duty. On 9 January 1980, he received NJP for two specifications of absence from appointed place of duty and three specifications of willfully disobeying a lawful order. On 4 April 1980, a summary court-martial (SCM) convicted him of failure to go at time prescribed to appointed place of duty and disobeying a lawful order. On 17 June 1980, he received a warning counseling due to his frequent involvement with military authorities. On 20 February 1981, he received NJP for UA totaling five days. Subsequently, he was notified of pending administrative separation action by reason of frequent involvement with military authorities. After he waived his rights, his commanding officer (CO) forwarded his package to the separation authority (SA) recommending his discharge by reason of misconduct due to frequent involvement with military authorities with an Other Than Honorable (OTH) characterization of service. The SA approved the CO's

