



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. 6878-23
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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 15 November 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 this 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 duty on 2 July 1974. Thereafter, you received non-judicial punishment (NJP) on eight occasions between 7 October 1975 and 5 January 1978 for misconduct including 15 occasion of unauthorized absence (UA) for various durations, three occasions of disobeying lawful orders, and two occasions of destruction of government property. On 27 June 1978, you consented to be released from active duty and were transferred, on 3 July 1978, to the US Marine Corps Reserves. On 4 July 1978, you were transferred to the Individual Ready Reserves (IRR) and, on 14 June 1980, you were removed from the IRR with a discharge under honorable conditions. During your service, on 30 June 1978, you were notified of, and acknowledged, you were neither eligible for, nor recommended for, reenlistment. Additionally, your proficiency and conduct marks at the time of your completion of service did not meet the minimum required score to be eligible for an Honorable characterization of service.

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 change your discharge character of service. You contend that: (1) your discharge should be Honorable, (2) you were told your characterization of discharge could be changed after completion of your inactive reserve requirements, and (3) you served your county Honorably. For purposes of clemency and equity consideration, the Board noted you provided a copy of your DD Form 214, but did not provide advocacy letters or other documents supporting your post-service activities or 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, 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. The Board also considered the negative impact your conduct likely had on the good order and discipline of your unit. Further, the Board noted you were given multiple opportunities to correct your conduct in service, but continued to commit misconduct. As a result, the Board concluded significant negative aspects of your service outweigh the positive aspects and continues to warrant a General (GEN) discharge. 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 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,

11/20/2023

