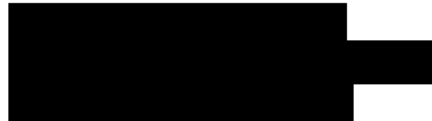




**DEPARTMENT OF THE NAVY**  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

██████████  
Docket No. 7241-23  
7535-14  
Ref: Signature Date



Dear ██████████

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.

Because your application was submitted with new contentions not previously considered, the Board found it in the interest of justice to review your application. Your current request has been carefully examined by a three-member panel, sitting in executive session on 25 October 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 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 commence a period of active duty on 23 April 1973. Between 25 October 1973 and 5 February 1975 you received non-judicial punishment (NJP) on six occasions for wrongful use of marijuana, wrongful possession of marijuana, unauthorized absence, and seven specifications failure to report to your appointed place of duty. You were formally counseled regarding your deficiencies in behavior, and you were notified further misconduct may result in administrative separation. Subsequently, you were apprehended by military authorities following a barracks inspection in which marijuana cigarettes were found. On 11 June 1975, you were notified of the initiation of administrative separation proceedings. Your commanding officer recommended your separation from service with an undesirable character of service due to your frequent involvement of a discreditable nature with military authorities. You waived your right to consult with counsel and a hearing before an administrative discharge board (ADB). A staff judge advocate (SJA) determined your administrative separation proceedings

were sufficient in law and fact. Subsequently, the separation authority approved and directed your discharge with an Other Than Honorable (OTH) character of service by reason of unfitness due your frequent involvement of a discreditable nature with military authorities. On 22 August 1975, you were so discharged.

You previously applied to this Board for a discharge upgrade. Your request for relief was denied on 6 July 2015.

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 Memos. These included, but were not limited to, your request to upgrade your character of service and contentions that your service was voluntary and in good faith, you served your nation, and you discovered a document from the Department of Veterans Affairs (VA) that indicates your discharge was changed to Honorable. For purposes of clemency and equity consideration, the Board noted you provided the VA letter from 1976 did not provide documentation describing post-service accomplishments or advocacy letters.

After thorough review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that 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. Further, the Board noted that VA eligibility determinations for health care, disability compensation, and other VA-administered benefits are for internal VA purposes only. Such VA eligibility determinations, disability ratings, and/or discharge classifications are not binding on the Department of the Navy and have no bearing on previous active duty service discharge characterizations. 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. While the Board carefully considered the evidence you submitted in mitigation, 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. Ultimately, the Board concluded the mitigation evidence you provided was insufficient to outweigh the seriousness of your misconduct. 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

