



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

■
Docket No: 6555-19
Ref: Signature Date

Dear ■

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. After careful and conscientious consideration of the entire record, the Board for Correction of Naval Records (Board) found the evidence submitted was 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 26 October 2020. The names and votes of the members of the panel 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.

You enlisted in the Marine Corps and began a period of active duty on 22 February 1971. During the period from 19 March 1971 to 8 August 1972, you received nonjudicial punishment (NJP) four times. The offenses included, four instances of disobeying a lawful order, possessing an alcoholic beverage in the barracks, and disrespect. On 12 October 1972, you were, convicted by summary court-martial of two specifications of disrespect and failing to blouse your utility trousers. On 25 January 1973, you were counseled concerning your substandard personal behavior due to frequent involvement of a discreditable nature with military or civil authorities. You were warned that further misconduct could result in administrative discharge action. On 9 March 1973, you were convicted by a special court-martial of two specifications of wrongfully striking another Marine, assault, and communicating a threat. You were sentenced to a reduction in paygrade, a forfeiture of pay, and confinement at hard labor. On 22 April 1973, you were counseled concerning your substandard personal behavior and given a retention warning. During the period from 25 Mar 1974 to 13 December 1974, you received five additional NJPs. The offenses included, five instances of failing to be at your appointed place of duty, two instances of failing to obey an order, and disrespect.

On 29 November 1974, you were counseled concerning your substandard personal behavior, and notified that administrative action had been initiated to separate you from the Marine Corps with an undesirable discharge due to frequent involvement of a discreditable nature with military authorities. Also on 29 November 1974, your case was forwarded to the separation authority with the recommendation that you receive an undesirable discharge (UD). After being officially notified of administrative processing, on 2 December 1974, you elected to have your case heard before an administrative discharge board (ADB). On 7 January 1975, you received NJP for two instances of failing to go to your appointed place of duty. On 14 January 1975, an ADB found that you had committed misconduct, determined you did not warrant retention in the Marine Corps, and recommended that you receive a UD due to unfitness. On 20 January 1975, a staff judge advocate determined your case was sufficient in law and fact, and recommend the approval of a UD. On 22 January 1975, the separation authority directed that you receive an UD due to unfitness. On 21 February 1975, you were, discharged from the Marine Corps with an other than honorable characterization of service due to unfitness.

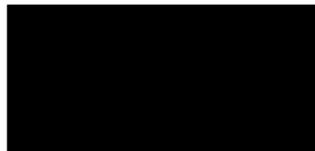
The Board carefully weighed all potentially mitigating factors, such as your record of service, and desire to have your characterization of service upgraded. The Board also considered your assertions that you were given a “dishonorable discharge” unjustly based on the decisions of a racist commanding officer, that the injustice has continued to plague your life, and you have been unable to find meaningful employment and subsequently have been homeless.

The Board noted that you did not receive a dishonorable discharge. You were discharged under other than honorable conditions. The Board concluded the factors and assertions you presented were not sufficient to warrant a change to your characterization of service, given your misconduct which resulted in numerous NJPs (one of which was after you were notified of administrative discharge action), warnings of the consequences of further misconduct, and two court-martial convictions.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. 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,

12/18/2020



Executive Director

Signed by 