



confirmation that your wife was not receiving BAQ, your command issued a military pay order for your BAQ credit.

On 26 August 1983, you were issued an administrative remarks (Page 11) counseling concerning deficiencies in your performance and/or conduct, specifically lack of cooperation and lack of respect. You were advised that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative discharge. On 3 October 1983, you were issued P11 counseling regarding your disregard for being present at required evolutions and lack of respect for those senior in rank. You were again advised that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative discharge. On 28 November 1983, you received NJP for UA and violating a Base order. On 7 December 1983, you received Page 11 counseling for frequent involvement with military authorities, specifically three periods of UA and three NJPs in 12 months, and again advised that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative discharge. On 15 December 1983, you received NJP for UA from security watch and disobeying a lawful order.

Consequently, you were notified of pending administrative separation processing with an Under Other Than Honorable conditions (OTH) discharge by reason of misconduct due to pattern of misconduct. You elected to consult with legal counsel and subsequently waived your rights to submit a statement or have your case heard by an administrative discharge board (ADB). The Separation Authority directed your discharge with an OTH characterization of service, and you were so discharged on 24 March 1984.

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 characterization of service and your contentions that your service was Honorable and outweighed your misconduct, a clerical error that affected your pay caused your misconduct, your command refused to look into your pay issues until you enlisted the help of a Congressman, and you agreed to the separation due to financial obligation of supporting your wife and son and the hardships that were placed on you. For purposes of clemency and equity consideration, the Board noted you did not provide supporting 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 the likely negative impact your repeated misconduct had on the good order and discipline of your command. The Board noted that you were given multiple opportunities to address your conduct issues, but you continued to commit misconduct, which ultimately led to your discharge due to a pattern of misconduct. Finally, the Board noted you provided no evidence, other than your personal statement, to substantiate your contentions that you were treated unfairly or that your separation was, in part voluntary, based on an agreement between you and the Marine Corps. The Board determined you were involuntarily discharged based on your record of misconduct.

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 Memos 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,

6/10/2024

