



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

██████████  
Docket No. 7058-24  
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 27 September 2024. 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 commenced a period of active duty on 20 February 1980. From the period beginning 8 November 1980 to 22 November 1982, you received non-judicial punishment (NJP) on seven occasions for the following offenses: three specifications willfully disobeyed an order, willfully damaging a tent, insubordinate conduct-speaking belligerently, unauthorized absence (UA) from appointed place of duty, disrespect toward a superior commissioned officer, dereliction in duty, disrespect to a non-commission officer (NCO), and two specifications of damaging government property. During the aforementioned period, you received two summary court martial (SCM) conviction for two specification of disobeying a lawful order, and disrespectful in language. Subsequently, you were notified of the initiation of administrative separation proceedings as a result of misconduct due to pattern of misconduct. You waived your right to consult with counsel and a hearing before an administrative discharge board (ADB). Your separation proceedings were determined to be sufficient in law and fact. The separation authority approved and directed your discharge with an other than honorable (OTH) character of service by reason of misconduct due to pattern of misconduct. You received your eight NJP on 8 February 1983 for UA. On 18 February 1983, you discharged as directed.

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 upgrade your characterization of service and contentions that you were young, and you regret your decisions. For purposes of clemency and equity consideration, the Board noted you provided a personal statement and documentation describing post-service accomplishments and 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 eight NJPs, and two SCMs 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 determined that your repeated misconduct placed an undue burden on your chain of command and fellow service members, and likely negatively impacted mission accomplishment. The record shows you met entrance qualification standards to include age. There is no evidence to indicate you were any less mature than other Marines of the same age who successfully completed military service.

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 and commends you for your post-discharge accomplishments, 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. The Board recommends additional evidence describing post-service accomplishments to support your request. 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 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,

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