



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

Docket No. 7273-24
Ref: Signature Date

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 11 December 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, 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 active duty on 31 July 1974. On 11 July 1975, you began a period of unauthorized absence (UA) that was terminated by your surrender on 17 July 1975. On 2 October 1975, you began another period of UA that terminated by your apprehension on 6 January 1976. On 2 February 1976, after consulting with legal counsel, you requested to be administratively discharged from the Marine Corps by reason of good of the service to avoid court-martial. In your request you cited family obligations were the reason you went UA. Your commanding officer forwarded your administrative separation package to the separation authority recommending an Other Than Honorable characterization of service. The separation authority accepted the recommendation, and, on 20 February 1976, you were so discharged.

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 character of service and

contentions that: (1) you served your duties in the states and foreign for one year and 3 months, (2) you were awarded and recognized for good conduct and highest score in bootcamp, (3) you had to go home to take care of urgent matters, (4) when you returned to █, you were charged with unauthorized absence, (5) when you had gone home you realized you were affected mentally by your service, (6) you sought traditional healing with the Native American church to help heal your mind and well-being, (7) when you returned to Camp Pendleton it was recommended that you apply for a discharge to avoid court-martial, and (8) you never received your personal belongings. no longer suffer from the condition that formed the basis for your separation. Additionally, the Board noted you checked the “post-traumatic stress disorder” and other mental health” boxes on your application but did not respond to the Board’s request for evidence in support of your claim. You also requested that your first name be changed to “Ritchie” on your Report of Separation from Active Duty (DD Form 214MC) as you did not know this was your real first name for the first 20 years of your life. For purposes of clemency and equity consideration, the Board noted you provided a written statement in support of your application.

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 repeated UA outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct. The Board also considered the likely negative effect your misconduct had on the good order and discipline of your command. Further, the Board found that your misconduct was intentional and made you unsuitable for continued naval service. Furthermore, the Board also determined that the evidence of record did not demonstrate that you were not responsible for your conduct or that you should otherwise not be held accountable for your actions.

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 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 your request does not merit relief.

Lastly, in regard to your request for a first name change, you have not provided any supporting documentation that your first name was ever legally changed from “█” to “█”.

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,

1/31/2025

