



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

██████████  
Docket No. 7337-23  
Ref: Signature Date

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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.

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 21 October 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 commenced active duty on 11 January 1977. On 11 November 1977, you requested a hardship discharge based on your mother's illness. On 23 November 1977, your Commanding Officer (CO) recommended approval of your request to the Commanding General (CG) stating, "the facts presented do indicate a level of hardship that if allowed to continue will become exceedingly worse. It appears that the only solution to this hardship is the presence of ██████████ ██████████ at home to provide care and support for his ailing mother."

Prior to receipt of the CG's response, on 29 November 1977, you commenced a period of unauthorized absence (UA) ended by your surrender on 4 October 1978. At that time, you reported your mother had been sick and you had an intense desire to be with her. During your UA, the CG disapproved your hardship discharge request.

Following your return, on 5 October 1978, a preliminary inquiry was conducted regarding your UA, resulting in a recommendation that you be involuntarily separated for the Good of the Service. Unfortunately, additional documents pertinent to your administrative separation are not in your official military personnel file (OMPF). Notwithstanding, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. Based on the information contained on your Certificate of Release or Discharge from Active Duty (DD Form 214), you were separated on 17 November 1978 with an “Under Conditions Other Than Honorable” (OTH) characterization of service, your authority and reason for separation is “MARCORSEPMAN GKA1 c,” and your reentry code is “RE-4.”

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 discharge characterization of service and change your narrative reason for separation. You contend that the OTH discharge was too harsh based on the circumstances surrounding your misconduct and that the harsh discharge, due to one occurrence of UA for an excusable reason, along with other mitigating factors, constitutes an injustice. Additionally, you checked the “PTSD” box on your application, but chose not to respond to the Board’s 17 July 2024 letter requesting supporting evidence of your claim. For purposes of clemency and equity consideration, the Board considered the documentation you provided, including your legal brief with exhibits.

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 lengthy UA, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact that you did not wait for the CG’s approval, or disapproval, of your hardship discharge request before deciding to violate your orders. Unfortunately, the Marine Corps is not an organization that can permit members to supplant good order and discipline with their personal needs, regardless of how compelling or urgent. The Board opined you had other options available to you, including requesting leave, or emergency leave, rather than leaving your place of duty without authorization to do so.

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

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,

11/7/2024

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