



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

██████████
Docket No. 8732-24
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 17 January 2025. 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).

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issue(s) involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You enlisted in the Marine Corps and commenced an active period of service on 7 August 1975. On 2 September 1975, you were counseled and notified of your below standard performance and defective attitude. Consequently, you were notified of the initiation of administrative separation proceedings as a result of your unsuitability due to your inaptitude and defective attitude, you elected not to make a statement. On 4 September 1975, a Depot Aptitude Board convened and recommended your separation with a General (Under Honorable Conditions) (GEN) character of service¹. You were afforded the opportunity to make a statement before the final recommendation

¹ Although the Aptitude Board report indicates an Honorable characterization of service was recommended. The Board determined this was an administrative error based on the Senior Member's letter to the Commanding General (CG) recommending a GEN. Nonetheless, the Board noted that the Aptitude Board was only empowered to make a recommendation and the CG would have considered all the evidence in your case prior to making his decision.

was made and elected not to do so. Ultimately, on 12 September 1975, you were discharged with a GEN character of service by reason of unsuitability.

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 you did not understand the basis for your discharge, it was done in error, your mother contacted Red Cross with concerns because you were not writing to her, and you believe this led to your transfer to rehab platoon and your discharge. For purposes of clemency and equity consideration, the Board noted you did not provide 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 assigned characterization of service remains appropriate. 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. The Board noted a Depot Aptitude Board was convened and determined that the preponderance of the evidence supported a finding that you were unsuitable for continued service based on your performance record and recommended that you be separated with a GEN character of service. This recommendation was acted upon by the Commanding General as the separation authority. Finally, the Board observed that you provided no evidence, other than your statement, to substantiate your contentions. As a result, absent substantial evidence to the contrary, the Board found your separation was supported by your record and conducted in accordance with relevant service regulations.

Therefore, 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 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,

2/7/2025

