



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

Docket No. 10631-24
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 29 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).

You enlisted in the Marine Corps and began active duty on 21 January 1954. On 9 February 1956, you received non-judicial punishment (NJP) for insubordinate conduct and failure to obey a lawful order. On 4 April 1956, you were convicted by a civil court for petty theft and sentenced to 50 days confinement. Therefore, you were in an unauthorized absence (UA) status until 5 May 1956. On 9 May 1956 you received a summary court-martial (SCM) for the period of UA. On 9 October 1956, you received NJP for robbery. Consequently, you were issued an administrative remark (Page 13) informing you that you were not recommended for reenlistment. On 8 November 1961, at the expiration of your active obligated service, you were issued an Armed Forces of the United States Report or Transfer of Discharge (DD Form 214) that annotated your characterization of service as General (Under Honorable Conditions).

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 character of service and

contentions that: (1) since you retired, you have been on an honor guard for Legion and VFW, (2) you do 150 funerals a year, and (3) you are still a Marine at heart. For purposes of clemency and equity consideration, the Board noted that you did not provide supporting documentation describing post-service accomplishments or advocacy letters.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your NJPs, SCM, and civilian conviction, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and concluded it showed a complete disregard for military authority and regulations. The Board noted, despite your record of misconduct, you were given opportunities to correct your behavior and allowed to continue to the end of your obligated service rather than face administrative separation with the potential for an Other Than Honorable discharge. Therefore, the Board determined you already received a large measure of clemency. Finally, the Board noted that your conduct scores were insufficient to qualify for a fully Honorable characterization of service. At the time of service, a conduct mark average of 4.0 was required to be considered for a fully Honorable characterization of service; a minimum mark you failed to achieve due to your extensive record of misconduct.

As a result, the Board determined that there was no impropriety or inequity in your discharge and concluded that your misconduct and disregard for good order and discipline clearly merited your discharge. While the Board commends your participation in your local veteran service organization activities, 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.

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,

3/10/2025

