



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

██████████
Docket No. 11037-24
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. 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 3 March 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 the 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).

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues 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 U.S. Marine Corps on 19 October 1965 and completed a period of Honorable service on 29 November 1967. On 30 November 1967, you immediately reenlisted and began second period of active duty. On 13 September 1968, you received nonjudicial punishment (NJP) for failing to go to your appointed place of duty. On 31 January 1969, you received a second NJP for impersonating a commissioned officer. As punishment, you were awarded reduction in rank to E-4, forfeitures, and restriction; however, your reduction in rank was suspended for six months. Because of your financial mismanagement, your suspended punishment was later vacated and you were reduced in rank to E-4. On 15 April 1969, a summary court-martial (SCM) found you guilty of unauthorized absence, disobeying a lawful order, dereliction in the performance of your duties, and failing to maintain the supply files in

proper order. You were sentenced to be reduced in rank to E-2, to forfeit \$40.00 pay per month for one month and to restriction for 45 days. On 26 May 1969, you received a third NJP for failing to obey a lawful order.

During your tenure, you received counseling on more than seven occasions regarding financial indebtedness. In May 1969, you submitted a request to be discharged on the grounds that you were an alien and due to your financial hardships. Your commanding officer forwarded your request recommending it be disapproved as you were being processed for an undesirable discharge.

Consequently, you were notified of your pending administrative processing by reason of misconduct-frequent involvement of a discreditable nature with military authorities and an established pattern of showing dishonorable failure to pay just debts; at which time you waived your right to consult with counsel and to have your case heard before an administrative discharge board. Your commanding officer forwarded your administrative separation package to the separation authority recommending you be discharged with an Other Than Honorable (OTH) characterization of service adding, "[Petitioner] was apprehended by the ██████████ Department on 9 May 1969 and is presently confined in the county Jail to appear in court on warrants. [Petitioner] is a ██████████. This command has offered assistance to [Petitioner] in obtaining citizenship upon request with no response. It should be noted that [Petitioner] has received a great deal of counseling concerning his debts and other deficiencies. [Petitioner] submitted an administrative action form on 7 May 1969 requesting an Alien Discharge. Subject form was forwarded recommending disapproval." Subsequently, the separation authority directed you be discharged with an OTH characterization of service and you were so discharged on 29 May 1969. Your official military personnel file documents you completed the Supply Administration Course in February 1966, were assigned the corresponding Military Occupational Specialty (MOS), and again successfully completed the Supply Administration Course in December 1968.

The Board carefully considered all potentially mitigating factors to determine whether the interest 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 and restore you to Sergeant/E-5. You contend that: (1) you were assigned as a barracks supply sergeant despite having no prior training, as your background was in supply clerical work, (2) under constant verbal abuse from your commanding officer, you were wrongfully accused of stealing funds; an allegation you vehemently deny, (3) at your court-martial, no witnesses were allowed, and you were never given access to your case documents, aside from the DD 214 you obtained years later, (4) civilian issues noted in your records—which you fully acknowledge—had no bearing on your military performance but were used against you by your CO, (5) this mistreatment left you disheartened; especially as you struggled to support your daughter at the time, (6) you have lived in the U.S. since 1957, (7) you have rebuilt your life, founding a successful corporation in 1990 that employs 15 individuals and operates in public school construction, requiring frequent DOJ (Department of Justice) background checks in ██████████, and (8) now, at 76 years old and facing the end of your life, you seek to restore your honor and die a U.S. Marine in good standing. For purposes of clemency and equity consideration, the Board considered the evidence you submitted in support of your application.

After a thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined your misconduct, as evidenced by your NJPs and SCM, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and concluded that it showed a complete disregard of military authority and regulations. The Board observed you were provided several opportunities to correct your conduct deficiencies during your service but you continued to commit misconduct; which led to your OTH discharge. Your conduct not only showed a pattern of misconduct but was sufficiently pervasive and serious to negatively affect the good order and discipline of your command. Further, the Board noted you provided no evidence, other than your statement, to substantiate your contention of unfair treatment. In addition, contrary to your contention, the Board noted you received training in your MOS. Finally, the Board disagreed with your contention that your civilian conviction had no bearing on your military performance since it resulted in your confinement away from your military duties. Therefore, the Board determined that your discharge was proper and equitable under standards of law and discipline and that the discharge accurately reflects your conduct during your period of service.

While the Board carefully considered the evidence you submitted in mitigation and commends you on 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. Ultimately, the Board concluded the mitigating 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 the 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 is attached 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,

3/25/2025

