



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

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Docket No. 11482-24
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 17 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).

You enlisted in the U.S. Marine Corps and began a period of active duty on 23 October 1974. On 5 March 1975, you were convicted in Onslow Country, North Carolina of disorderly conduct and resisting arrest; resulting in a six-month confinement in the county jail. Despite this incident, you were retained in the Marine Corps and permitted to continue your service. On 4 November 1975, you received nonjudicial punishment (NJP) for violating a lawful order. You received a second NJP, on 10 May 1976, for a period of unauthorized absence; after which you were counseled that any further involvement of a discreditable nature with military authorities may result in recommendation for administrative separation. On 6 August 1976, you received a third NJP for drunk and disorderly conduct. Consequently, you were notified of your pending administrative processing under the Marine Corps Expeditious Discharge Program¹; at which time you waived your right to submit a statement and did not object to your discharge. Ultimately, the Separation Authority directed you be discharged with a General (Under Honorable Conditions) (GEN) characterization of service and you were so discharged on 24 September 1976.

¹ The Marine Corps Expeditious Program was a policy designed to allow for the prompt separation of service members deemed unsuitable for continued military service, utilizing administrative rather than punitive actions.

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 your contentions that: (1) you hope that, with the passage of time and demonstrated proof of your good character, you will be considered for clemency, and (2) you were informed that you could request a discharge upgrade; however, due to life's demands and responsibilities, you were unable to submit the request until now. For purposes of clemency and equity consideration, the Board considered the evidence you provided 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 civilian conviction and NJPs, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and concluded that it showed a complete disregard for military authorities and regulations. Additionally, the Board considered the likely discrediting effect your civilian conviction had on the Marine Corps. Further, the Board observed you were given multiple opportunities to correct your conduct deficiencies but chose to continue to commit misconduct; which led to your GEN 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. Lastly, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating veterans' benefits, or enhancing educational or employment opportunities. In the end, the Board found that you were fortunate to receive a GEN characterization of service despite your extensive record of misconduct during a period of active duty lasting less than 24 months. Therefore, the Board concluded 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, 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 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 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,

3/27/2025

