



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

██████████
Docket No. 12275-24
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 application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 19 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 and began a period of active duty on 31 July 1974. On 5 June 1975, you received non-judicial punishment (NJP) for a one-day unauthorized absence (UA) and a failure to check out on liberty. On 7 November 1975, you were issued a counseling warning notifying you that you were being assigned to the weight control program and required to lose 20 pounds by 24 March 1976. On 13 December 1975, you were taken by ambulance to medical due to being highly intoxicated. On 17 February 1976, you received your second NJP for being absent from your appointed place of duty. On 7 October 1976, you received your third NJP for willfully damaging a window in the barracks.

On 25 April 1977, you received your fourth NJP for four days UA and a violation of Article 91. You were subsequently issued a counseling warning for your frequent involvement with military authorities that will lead to an Other than Honorable (OTH) discharge. That same day, you were also issued a counseling warning that you were again being assigned to the weight control program. Then, on 10 August 1977, you were found guilty at summary court-martial (SCM) for 21 days of UA. You were sentenced to reduction in rank, forfeiture of pay and restriction. On 6 September 1977, you participated in alcohol awareness program. Consequently, you were notified of administrative separation processing for frequent involvement with military authorities. After you waived your rights, the Commanding Officer (CO) made his recommendation to the Separation Authority (SA) that you be discharged with an OTH characterization. The SA accepted the recommendation and you were so discharged on 21 October 1977.

Post-discharge, you applied to the Naval Discharge Review Board (NDRB) for relief. The NDRB denied your request, on 1 April 1985 after determining your discharge was proper as issued.

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 for a discharge upgrade and contentions that you were married while serving, your wife took your infant son and left you for one of your friends, this affected your mental health and caused you to be depressed and angry, you self-medicated with alcohol, you did not have the access to treatment for mental health issues that is available now, and there was a stigma attached to seeking help. The Board noted you checked the "Other Mental Health" box on your application but did not provide supporting evidence of your claim. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted solely of your petition without any other additional documentation.

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 and SCM, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and found that your conduct showed a complete disregard for military authority and regulations. The Board observed you were given multiple opportunities to correct your conduct deficiencies but chose to continue 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 contentions. However, the Board observed that prior to your son being born you were involved in two NJPs and an alcohol related incident. Therefore, the Board was not persuaded that your misconduct was due to circumstances you described in your application.

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. Even in light of 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,

3/31/2025

