



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

Docket No. 12518-24  
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 30 March 1967. On 6 February 1968, you received non-judicial punishment (NJP) for unauthorized absence (UA) totaling one day. On 26 February 1968, you received NJP for UA totaling one day. On 9 September 1968, you received NJP for UA totaling six days. On 29 December 1968, you received NJP for disobeying a lawful order. On 7 January 1970, you were removed from the command due to your negative attitude towards guard duty. On 17 May 1970, you received NJP for failure to go to your appointed place of duty. On 16 June 1970, you received NJP for disobeying a lawful order.

On 13 July 1970, a mental health evaluation determined “no specific psychiatric problem exists for which could benefit him.” On 8 September 1970, you received NJP for UA totaling three days. On 19 November 1970, you were convicted by a special court-martial (SPCM) for UA and breaking restriction. At the expiration of your active obligated service, you were discharged with

a General (Under Honorable Conditions) characterization of service and assigned an RE-4 reentry code<sup>1</sup>.

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) your Good Conduct Medal period commences 19 November 1970, and it is 2024, and (2) you thought everything was changed until you were told your General (Under Honorable Conditions) discharge is not accepted as an Honorable discharge. 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 and SPCM, 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 also 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. Additionally, 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. Finally, the Board considered your comments regarding your Good Conduct Medal period commencing in November 1970. The Board noted that this annotation in your DD Form 214 only documents the new start date for Good Conduct Medal eligibility based on your SPCM conviction date. A Good Conduct Medal requires military service from which you were released on 10 April 1971. Therefore, the Board was not persuaded by your contention.

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 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

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<sup>1</sup> The Board noted your combat service in the Republic of Vietnam that earned you the Vietnam Service Medal with one star and Vietnamese Cross of Gallantry with Palm.

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,

3/11/2025

