



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

██████████  
Docket No. 149-25  
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 you did not file your application in a timely manner, the Board waived the statute of limitation in the interest of justice. A three-member panel of the Board, sitting in executive session, considered your application on 11 July 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 Marine Corps and began a period of active duty on 5 March 1975. After completing approximately six months of service, you then absented yourself without authority on 30 August 1975 and remained absent until you were apprehended and returned to military authority on 19 November 1975. Upon your return, you submitted a voluntary request for separation for the good of the service in lieu of trial by court-martial. While awaiting a decision on your request, you were subject to nonjudicial punishment (NJP) for violation of Article 86 of the Uniform Code of Military Justice (UCMJ) due to being absent from your appointed place of duty at three musters on 14 December 1975. You then received a second NJP, on 7 January 1975, due to another absence from muster. Your request for separation for the good of the service was approved under conditions Other Than Honorable (OTH) and you were so discharged on 26 January 1976.

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 and change your reason for separation to Secretarial Authority. You contend that your misconduct would likely be considered youthful indiscretion given your youth at the time and that it has been nearly 50 years since the time of your misconduct. You also argue that you have been an upstanding citizen, served 37 years as a public servant, and believe your character, reputation, and job history are evidence of your rehabilitation and that you are deserving of a second chance. In support of your request, you submitted a news article, employment records and certificates, and three letters of recommendation attesting to your good character and service as a public health inspector. For purposes of clemency and equity consideration, the Board considered the totality of your application; which included your DD Form 149 and the evidence you provided in support of it.

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 prolonged period of unauthorized absence and NJPs for an additional four offenses under Article 86, outweighed the mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact that you incurred 81 days of lost time in less than 11 months of total service. Further, the Board found that your conduct showed a complete disregard for military authority and regulations. 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.

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 carefully considered the evidence you submitted in mitigation and commends you for your post-discharge rehabilitation, even in light of the Wilkie Memos 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 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,

7/31/2025

Executive Director

Signed by: