



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

██████████  
Docket No. 615-25  
Ref: Signature Date

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████████████████████

Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to 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 14 May 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 23 June 1980. Upon entry onto active duty, you admitted to illegal use of a controlled substance while in the Delayed Entry Program, but a waiver was not required.

On 14 January 1982, you received non-judicial punishment (NJP), for wrongfully possessing marijuana and disobeying an order to have BEQ doors unlocked until 2100. On 9 February 1982, you received a second NJP for failure to go to your appointed place of duty and eight days unauthorized absence (UA). On 5 August 1982, you were convicted by a summary court-martial

(SCM) for two incidents of UA; totaling 13 days. You were sentenced to confinement, reduction in rank, and forfeiture of pay. You received your third NJP, on 22 November 1982, for being UA from your appointed place of duty. You appealed the NJP, but your appeal was denied. On 11 February 1983, you were issued a counseling warning for your frequent involvement with military and civilian authorities and advised that any further involvement of a discreditable nature could result in disciplinary and or recommendation for separation. On 11 June 1983, you were issued a second counseling warning for your constant involvement of a discreditable nature with military authorities and disregard for the good order and discipline and advised failure to take corrective action may result in administrative separation or judicial proceedings.

On 24 August 1983, you received your fourth NJP for failure to obey a lawful order and two specifications of being absent from your appointed place of duty. Consequently, you were notified of administrative separation processing for misconduct pattern of misconduct. After you elected your right to consult with counsel and waived your rights to an administrative board, the Commanding Officer (CO) made his recommendation to the Separation Authority (SA) that you be discharged with an Other Than Honorable (OTH) characterization. The SA accepted the recommendation and you were so discharged on 15 September 1983.

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 contention that you believe your UA dates coincide with a particularly challenging time in your life as your mother was diagnosed with cancer and you were responsible for your younger sister's care. For purposes of clemency and equity consideration, the Board considered the totality of your application, which included your DD Form 214 and a personal statement.

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. Further, the Board noted that 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. Furthermore, the Board noted you provided no evidence, other than your statement, to substantiate your contentions.

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,

5/27/2025

