

DEPARTMENT OF THE NAVY

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

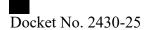
> Docket No. 2430-25 Ref: Signature Date

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 application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 18 August 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 after your background check revealed a pre-service auto theft offense and commenced active duty on 28 June 1974. On 22 October 1975, you were convicted at Special Court Martial (SPCM) of larceny and wrongful possession of marijuana. You were sentenced to reduction in rank to E-1, forfeitures, and confinement. On 5 January 1976, the SPCM Convening Authority suspended a portion of your confinement, forfeitures, and reduction in rank. On 4 February 1976, you were issued an administrative remarks (Page 11) counseling concerning deficiencies in your performance and/or conduct. You were advised that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative discharge. On 1 April 1976, you received non-judicial punishment (NJP) for wrongful possession of marijuana. On 27 May 1976, you received NJP for violating a lawful order to appear for an early run. On 16 July 1976, you received Page 11 counseling for unauthorized absence (UA) and dereliction of duty. You were again advised that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative discharge. On 30 August 1976, you commenced a period of UA



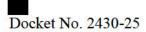
that ended in your surrender on 6 November 1976. On 11 November 1976, you received NJP for that period of UA.

On 17 February 1977, you were convicted at SPCM of three specifications of willfully disobeying lawful orders and one specification of disrespect to a commissioned officer. You were sentenced to forfeitures, confinement, and a Bad Conduct Discharge (BCD). On 6 April 1977, you received NJP for sleeping on post. On 7 November 1977, you commenced a period of UA that ended in your surrender on 13 November 1977. On 13 December 1977, you received NJP for the seven days of UA. On 13 December 1977, the U.S. Navy Court of Military Review dismissed one of the specifications of willfully disobeying a lawful order from your SPCM and affirmed the remaining findings and the sentence. You were subsequently discharged with a BCD on 7 December 1978.

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 change your discharge characterization of service and your contentions that you were young and had difficulty adapting to military life, your discharge was over forty years ago, and you have since matured. Additionally, the Board noted you checked the "PTSD" box on your application but chose not to respond to the 21 March 2025 letter from the Board requesting evidence in support of your claim. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted of your DD Form 149, DD Form 214, and a form designating a Veterans Service Organization as your representative to the Department of Veterans Affairs.

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 NJPs and SPCMs, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact it included drug offenses. The Board determined that illegal drug use by a service member is contrary to military core values and policy, renders such members unfit for duty, and poses an unnecessary risk to the safety of their fellow service members. The Board also 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 BCD. 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. Finally, 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 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 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,

9/3/2025