



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

██████████
Docket No. 3733-25
Ref: Signature Date

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Dear ██████████

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 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 25 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, 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).

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issue(s) 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 Marine Corps and began a period of active duty on 7 November 1966. On 22 August 1967, you began a period of unauthorized absence (UA) which lasted 16 days and resulted in non-judicial punishment (NJP) on 6 September 1967. On 23 April 1969, you began a period of UA which lasted six-days. During this period of UA, you were apprehended by civil authorities as a fugitive of justice and charged with larceny of an automobile and operating a vehicle without a driver's license. You pleaded not guilty and were placed in civil confinement awaiting trial. Upon your return to military custody, you received a second NJP for the period of UA. On 2 July 1969, you were convicted by civil authorities and charged with two counts of auto

theft and mischievous tampering. You were sentenced to seven months of civil confinement which resulted in another period of UA.

On 15 December 1969, you were notified of the initiation of administrative separation proceedings by reason of misconduct due to conviction by civil authorities. Subsequently, you decided to waive your procedural rights. Your commanding officer recommended an Other Than Honorable (OTH) discharge characterization of service and the separation authority approved the recommendation. On 13 February 1970, you began a period of UA which lasted three-days. On 19 February 1979, you were convicted by summary court martial (SCM) for the two periods of UA and breaking restriction. You were sentenced to reduction in rank, a period of confinement, and forfeiture of pay. Ultimately, you were discharged with an OTH characterization on 25 February 1970.

Post-discharge, you applied to the Naval Discharge Review Board (NDRB) for relief. The NDRB denied your request, on 29 August 1973, 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: (a) you turned yourself in following a period of UA and were presented with papers giving you an OTH discharge, (b) you did not received any due process in the matter due to your limited literacy and ADHD challenges, and (c) you had a hard time understanding orders, directives, and legal paperwork associated with your discharge. You also checked the "PTSD" box on your application but chose not to provide supporting evidence 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 and DD Form 214.

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, SCM, and civil conviction, 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 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 considered the likely discrediting effect your civil conviction had on the Navy.

Finally, the Board noted you provided no evidence, other than your statement, to substantiate your contention that you were denied due process. The Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. After reviewing your application, the Board determined you provided insufficient evidence to overcome the presumption of regularity in your administrative separation processing.

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 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 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,

9/11/2025

