



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

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Docket No. 4021-25
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 7 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).

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 Marine Corps and commenced active duty on 14 March 1970. On 6 June 1970, you were absent without leave for approximately eight hours. Subsequently, on 8 June 1970, an entry in your official military personnel file (OMPF) indicates you were charged with violating Article 86 of the Uniform Code of Military Justice for this unauthorized absence (UA), but that the charges were dropped by your commanding officer with intention to impose non-judicial punishment (NJP).

However, on 16 June 1970, your Adjutant completed a memorandum documenting your performance and indicating that you had refused the above-mentioned NJP—which was your

right to do—and that you were instead taken to Summary Court-Martial (SCM). That said, no further documentation of a SCM exists in your OMPF.

On 23 June 1970, you were subjected to a psychological evaluation resulting in a finding of no obvious signs of psychosis, neurosis, or suicidal ideation. However, given your failure to progress satisfactorily in training, even with special attention, the doctor found evidence of inaptitude and recommended you be assessed by an aptitude board. On that same day, you were notified of intended administrative separation processing due to Unsuitability By Reason of Inaptitude. You acknowledged receipt of this notification, and stated you had no desire to remain in the Marine Corps.

The aptitude board was held and concluded on 25 June 1970; resulting in the recommendation that you be discharged with a General (Under Honorable Conditions) (GEN) characterization of service. The aptitude board stated, if you were retained, you would become an administrative burden and training problem.

On 10 July 1970, in accordance with your administrative separation notification and acknowledgment, you were discharged with a GEN characterization of service.

Post-discharge you applied to the Naval Discharge Review Board (NDRB), requesting a discharge upgrade and change of narrative reason for separation. The NDRB denied relief on 16 September 1982.

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 characterization of service to Honorable, change your narrative reason for separation to “Convenience of the Government,” and change your reentry code to “RE-R1.” You contend that the Marine Corps did not follow its own rules and regulations, an entry-level separation should have been issued per MARADMINS 141/23 2.a.1, an injustice was committed by the Marine Corps when it did not follow its own rules, regulations, and enlistment contract, and you should have received an entry-level separation and 1A classification; making you eligible for the draft. For purposes of clemency and equity consideration, the Board considered the totality of your application, which included your DD Form 149 and excerpts of your service record you provided.

After thorough review, the Board found no error or injustice in your administrative separation for inaptitude. The Board additionally found your potentially mitigating factors were insufficient to warrant relief. In making this finding, the Board considered the totality of your service, and noted that, although you were ultimately separated for inaptitude, your service was also marred by your UA. The Board considered the likely negative impact your UA had on the good order and discipline of your command. The Board further noted, although your OMPF lacks documentation of your possible SCM, or other punishment you may have received for your UA, the misconduct was sufficient to support your assigned GEN characterization of service and RE-4 reentry code when weighed against your brief period of active duty.

Finally, the Board was not convinced by your argument that you deserve an uncharacterized entry-level separation since the reference you cited was not in effect at the time of your discharge.

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, 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,

7/24/2025

