



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

[REDACTED]
Docket No. 6166-25
Ref: Signature Date

[REDACTED]
[REDACTED]
[REDACTED]

Dear [REDACTED]

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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 8 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 and began a period of active duty on 29 February 1972. Although your enlistment contract and NAVMC 136, Examination of Applicant by Recruiting Officer, recorded your highest school grade completed as "12," your entrance processing records do indicate that you completed only an 8th grade education. Regardless, your GTC score of 99 was only one point below average, and you were placed into Mental Group II due to above average scores in multiple aptitude areas, to include: arithmetic reasoning, pattern analysis, clerical speed, shop mechanics, and general maintenance. You initially began occupational training in aviation structural mechanic school on 7 July 1972. You applied for dependents allowance on 24 July 1972, with a claimed entitlement date of 15 July 1972. On 11 August 1972, you commenced a period of unauthorized absence (UA) that ended on 12 August 1972 with your return. You were subsequently subject to nonjudicial punishment (NJP) for violation of Article 86 of the Uniform Code of Military Justice (UCMJ) due to this period of UA. Five days later, an administrative counseling entry documents that you were dropped from your training school due to a lack of aptitude.

On 20 October 1972, you were hospitalized for psychiatric observation after an intentional drug overdose / suicide attempt. During your psychiatric evaluation, you reported that you had joined the military to get free housing for your family but did not like the rules. You also reported feeling anxious and depressed, were diagnosed as having an immature personality, and released back to full duty. On 28 November 1972, you received a second NJP for an additional Article 86 violation and an offense under Article 115 for having “intentionally injured [your]self by ingesting drugs for the purpose of avoiding service as an enlisted person.” Following this second NJP, you were counseled that your frequent involvement with military authorities could result in adverse administrative or disciplinary consequences.

You incurred two UA additional periods during February 1973 with a third period extending from 28 February 1973 through 2 April 1973. You were convicted by a Summary Court-Martial (SCM) of all three specifications under Article 86 of the UCMJ. Following your release from confinement, you were again counseled that further involvement of a discreditable nature would result in processing for an undesirable discharge.

On 7 May 1973, you received a third NJP for another Article 86 violation due to a UA period from 30 April 1973 through 2 May 1973. Subsequently, on 10 May 1973, you were notified of processing for administrative separation by reason of unfitness; however, this processing was withdrawn the following day due to your having commenced another UA period. Upon your return from this UA period on 11 June 1973, and after consulting legal counsel, you requested a discharge for the good of the service and to escape trial by court-martial. As part of your request, you acknowledged that you would likely receive an undesirable discharge. Your request was approved and you were so discharged on 20 July 1973.

Post-discharge, you applied to the Naval Discharge Review Board (NDRB) contending that you pay records had been lost and this created the events that followed. Your request was considered on 3 March 1981 and denied.

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 contention that you were not able to be an aircraft mechanic due to your limited education and your recruiter was aware of this fact. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted solely of what you stated on your DD Form 149 without any additional documentation for the Board’s consideration.

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, 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 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 determined your level of education alone did not prevent you from attending and completing your initial occupational school; as your GTC and aptitude scores indicated average to above-average aptitude regardless your ultimate performance. Even then, the Board

determined being dropped from a formal school and transferred into a different occupational field does not justify abdicating your obligation to complete your contracted period of service nor does it excuse repeated or prolonged periods of UA. Finally, the Board also noted that the misconduct that led to your request to be discharged in lieu of trial by court-martial was substantial and determined that you already received a large measure of clemency when the convening authority agreed to administratively separate you in lieu of trial by court-martial; thereby sparing you the stigma of a court-martial conviction and possible punitive 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 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 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, _____

8/27/2025

