



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 2220

Docket No. 10641-25
Ref: Signature Date

[REDACTED]
[REDACTED]
[REDACTED]

Dear Petitioner:

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 26 May 2026. 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).

The Board determined your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined a personal appearance was not necessary and considered your case based on the evidence of record.

The following is the relevant factual background of your case based upon review of your naval record and/or the matters provided with your application:

- You enlisted in the Marine Corps Reserves and began a period of active duty on 20 July 1972.
- On 9 January 1973, you received nonjudicial punishment (NJP) for a brief period of unauthorized absence (UA).
- On 20 January 1973, you were honorably discharged by reason of released from active duty training.

- On 22 January 1973, you received a letter of notification due to unsatisfactory participation in the Navy Reserves. You were also informed about your commanding officer's intent to recommend that you be assigned involuntary to serve a period of two years on active duty.
- On 25 January 1973, you were counseled concerning your absence during mandatory drills. Consequently, you were directed to perform EIOD on 26 January 1973.
- On 10 February 1973, you received a notice of unsatisfactory participation in the Marine Corps Reserves. You were also informed about your commanding officer's intent to recommend that you be assigned to involuntary active duty due to unsatisfactory participation.
- On 11 February 1973, your commanding officer recommended that you were involuntarily assigned to active duty for a period of 18 months as a result of your failure to attend mandatory drills.
- On 21 May 1973, you were notified that you were involuntarily assigned to serve a period of 18 months of unrestricted extended active duty due to your continued failure to participate in your required Reserve drills. On 25 May 1973, you were so assigned to active duty.
- Between 9 July 1973 and 25 September 1974, you received NJP on four occasions for four instances of UA and failure to obey a lawful order.
- On 6 December 1974, you were discharged with a General (Under Honorable Conditions) (GEN) characterization of service by reason of completion of active obligated service. Your final conduct trait average was 3.8.
- On 7 December 1974, you were assigned to the Marine Corps Reserves. On 31 July 1978, you were discharged from the Marine Corps Reserves by reason of fulfillment of service obligation.

In your application to this Board, you express a desire for your discharge character of service be upgraded to Honorable and contend that:

- The circumstances surrounding your misconduct arose from a family emergency involving your mother's serious medical condition. You went through your chain of command and requested permission to leave in order to assist your mother and transport her to the hospital; however, you were told you could only be excused if your mother had passed away.
- You were found guilty for your actions but respectfully submit that your decision was motivated solely by the urgent need to protect and save your mother's life.

After careful review, the Board reached the following conclusions and denied your application for relief.

The Board initially concluded you were appropriately assigned a GEN characterization of service

based on your overall conduct trait average. The Board noted you did not deny committing the misconduct that formed the basis of your conduct trait average. Therefore, the Board determined the presumption of regularity applies to your GEN discharge and no error exists with your record.

The Board also considered the totality of the circumstances to determine whether equitable relief was warranted in the interests of justice in accordance with the Wilkie Memo. In this regard, the Board considered, amongst other factors, your desire for an upgrade to your characterization of service, your contentions, the totality of your service to include service highlights, the non-violent nature of your misconduct, the nature of your family circumstances, and the passage of time since your discharge.

The Board found that the mitigating factors were not nearly sufficient to justify any equitable relief. Specifically, the Board found that the severity of your misconduct far outweighed all of the mitigating factors combined. In particular, 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 GEN 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. Therefore, even taking into consideration all the mitigation factors in your case, the Board found that your misconduct while on active duty outweighed the mitigation evidence offered. In making this finding, the Board noted you provided no evidence, other than your statement, to substantiate your contentions. While the Board noted that flawless service is not required to receive an Honorable characterization of service, the nature and gravity of your misconduct led them to conclude that your service was not Honorable. Ultimately, the Board concluded an upgrade of your discharge characterization of service is not warranted in the interests of justice.

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,

6/16/2026

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