



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 22204

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Docket No. 2537-26
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 18 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 this 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.

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 and began a period of active duty on 28 December 1973.
- During your period of service, you accumulated four periods of unauthorized absence and three periods of desertion totaling more than 665 days. Your misconduct resulted in pretrial confinement and the referral of court-martial charges including violations of Articles 86, 91, 92, and 128, UCMJ.

- Subsequently, you submitted a request for discharge for the good of service in lieu of trial by court-martial. Ultimately, the separation authority approved your request, and you were discharged with an Undesirable (OTH) characterization of service on 27 May 1976.

- Post-discharge, you applied to the Naval Discharge Review Board and were denied on 18 May 1977.

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

- Your misconduct was related to alcohol and substance abuse issues during your military service.

- Your lengthy sobriety of 35 years and volunteer work with the American Red Cross, Meals on Wheels, and your local church, support clemency and warrant relief. Your community involvement, stable family life, and post-service rehabilitation also warrant consideration

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

The Board initially concluded you were appropriately processed for administrative separation based on your record of misconduct and request to be discharged for the good of the service. The Board noted you admitted to committing the misconduct that formed the basis of your administrative separation and OTH discharge. Therefore, the Board determined the presumption of regularity applies to your OTH 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, your relative youth and immaturity at the time of your misconduct, your post-service sobriety, volunteer activities, church involvement, family stability, 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 and repetitive nature of your misconduct far outweighed all of the mitigating factors combined. In particular, the Board noted your record reflects multiple lengthy periods of unauthorized absence and desertion totaling over 665 days. The Board found that your conduct showed a complete disregard for military authority and regulations and was sufficiently pervasive and serious to negatively affect the good order and discipline of your command. The Board also noted that you already received a significant measure of clemency when the convening authority agreed to administratively separate you in lieu of trial by court-martial, thereby sparing the stigma of a court-martial conviction and possible punitive discharge. 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. Finally, the Board believed that it would be unjust to characterize your less than honorable service in the same manner as the service of the thousands of service

members who, unlike you, honorably completed their enlistments without engaging in misconduct, warranting the early curtailment of their service. While the Board commends you for your post-service accomplishments and acknowledged your rehabilitation efforts, 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 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,

5/29/2026

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Executive Director

Signed by: █