



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

█  
Docket No: 5595-20  
Ref: Signature Date



Dear █

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 21 April 2021. 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 entered a period of active duty in the Marine Corps on 23 September 2000. On 13 June 2001 you received Nonjudicial punishment (NJP) for Article 92, failure to obey a lawful order for underage drinking. On 5 March 2002 you received a second NJP for 2 specifications of Article 92, failure to obey a lawful order for underage drinking and driving without a license while in █ Article 107, false official statement; 2 specifications of Article 111, driving under the influence and reckless operation of a vehicle by hitting something; and Article 128, assault. Your third NJP was held on 10 September 2002 for Article 91, disrespect in language and deportment toward a noncommissioned officer. On 3 December 2002 you received a fourth NJP for Article 86, unauthorized absence; Article 107, false official statement for submitting a falsified document to an apartment complex; and Article 134, for failure to pay a \$3,900 debt. On 6 December 2002 you were arrested by civil authorities regarding a charge of grand larceny. You remained in the hands of civil authorities until 27 December 2002. You were notified of administrative separation processing on 14 January 2003 by reason of misconduct due to a pattern of misconduct and that the least favorable characterization of service

you could receive was an Other Than Honorable (OTH). You waived your procedural right to counsel and to have your case heard before an administrative separation board. On 4 March 2003 the Staff Judge Advocate found your administrative separation processing to be sufficient in law and fact. You were discharged on 14 March 2003.

You contend your command should have recognized your alcohol abuse disorder and required you to receive alcohol abuse treatment. You state the grand larceny charge was an administrative error regarding a vehicle you had purchased and you were released without any charges. Additionally, you had a premature child born in a military jail in [REDACTED], which exacerbated your situation. You also submitted matters in clemency regarding your post-service accomplishments.

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 contentions noted above, desire to upgrade your discharge, and your post-service accomplishments. Based upon this review, the Board concluded that these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your multiple NJPs, outweighed these mitigating factors. 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,

5/11/2021

[REDACTED]

Signed by: [REDACTED]