



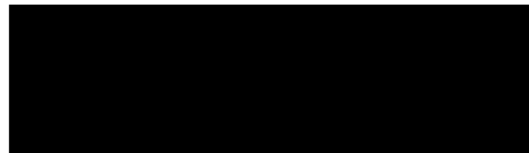
These included, but were not limited to, your desire to upgrade your discharge and contentions that you were racially discriminated against, you need Department of Veteran Affairs (DVA) benefits, you excelled to the rank of LCPL and you were never provided proper representation or counseled on your rights. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your SPCM conviction, outweighed these mitigating factors. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

Regarding your contention that you were racially discriminated against, the Board noted that there is no evidence in your record, and you submitted none, to support your contention. Regarding your contention that DVA benefits, whether or not you are eligible for benefits is a matter under the cognizance of the DVA, and you should contact the nearest office of the DVA concerning your right to apply for benefits. If you have been denied benefits, you should appeal that denial under procedures established by the DVA. Regarding your contention that you excelled to the rank of LCPL due to hard work and dedication, the Board noted that a Marine's service is characterized at the time of discharge based on performance during the current enlistment. Regarding your contention that you were never provided proper representation or counseled on your rights, the Board noted that the record contains documented evidence, which is contrary to your contention. The record clearly shows that on 9 December 1999, a BCD found you guilty and directed you receive a BCD discharge.

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,

03/05/2021

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Executive Director