



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

█  
Docket No: 5814-21  
Ref: Signature Date

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Dear █:

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 25 October 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, 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 3 January 1979. On 30 September 1982, you were discharged with an honorable (HON) discharge characterization of service by reason of immediate reenlistment. On 1 October 1982, you began a second period of active duty service. On 27 June 1986, you were discharged with an HON discharge characterization of service by reason of immediate reenlistment. On 28 June 1986, you began a third period of active duty service. On 21 November 1986, you were counseled for receiving a letter of indebtedness. You were advised that failure to take corrective action could result in administrative separation. In November 1986, you were investigated by the Navy Investigative Service (NIS) for allegations of compromising classified information and documents. On 25 September 1987, you were counseled for failing two physical fitness tests (PFTs). You were advised that failure to take corrective action could result in administrative separation. On 22 October 1987, you were counseled for uttering two bad checks. You were advised that failure to take corrective action could result in administrative separation. On the same year, you were

relieved from instructor duty due to ongoing security problems. On 11 January 1988, you were counseled for fraternization with junior troops. You were advised that failure to take corrective action could result in administrative separation. On 12 January 1988, you were notified of the initiation of administrative separation proceedings by reason of pattern of misconduct, at which point, you elected to waive all your procedural rights. On 15 January 1988, your commanding officer recommended and other that honorable (OTH) discharge characterization of service by reason of pattern of misconduct. On 8 March 1988, the staff judge advocate (SJA) recommended an OTH discharge characterization of service by reason of pattern of misconduct. On 17 March 1988, the SJA recommended a general (GEN) discharge characterization of service by reason of pattern of misconduct. On 18 March 1988, the discharge authority approved and recommended a GEN discharge characterization of service by reason of pattern of misconduct. On the same date, you were discharged.

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 contention that you served as an instructor and witnessed students being separated with GEN characterizations of service. Your contention that you had financial problems while trying to take care of your wife and your newborn child. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your repeated misconduct outweighed these mitigating factors. The Board noted you did not submit any documentation or advocacy letters to be considered. 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,

11/15/2021

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Executive Director

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