



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

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Docket No: 6158-21  
Ref: Signature Date



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 24 November 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 enlisted in the Marine Corps and began a period of active service on 8 September 1997. On 30 March 1998, you received non-judicial punishment (NJP) for underage drinking. On the same day, you were counseled regarding your violation of the uniform code of military justice (UCMJ). On 29 April 1999, you received NJP for failure to report to your appointed place of duty. On 27 May 1999, you received your third NJP for excessive alcohol consumption while on restriction. On 4 June 1999, you underwent a medical evaluation in which you were diagnosed with alcohol abuse-in remission. On 15 July 1999, you were notified of the initiation of administrative separation proceedings by reason of misconduct due to pattern of misconduct, at which point, you waived your right to consult with counsel, and a hearing before an administrative discharge board (ADB). On the same day, your commanding officer recommended your discharge from the Marine Corps with an other than honorable (OTH) character of service. On 12 August 1999, the discharge authority approved and directed your discharge. On 18 August 1999, you were discharged with an other than honorable (OTH) characterization of service by reason of misconduct due to pattern of misconduct.

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 desire to upgrade your discharge. You contend injuries you incurred while serving in the Marine Corps caused you to drink heavily. You contend you were involved in a civil DUI charge, and consequently, you were punished by military authorities, which furthered your drinking problems. You also contend that you would like to obtain eligibility for veteran's healthcare benefits so that you are eligible for alcoholism treatment. The Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board noted the severity of your repeated misconduct, which resulted in three NJPs. The Board noted you failed to provide sufficient evidence to support your contentions. Absent such evidence, the Board relied upon the presumption of regularity and presumed that the officials acted in good faith following governing law and policy. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief. Regarding your request for veteran's benefits, it is a matter under the cognizance of the Department of Veterans Affairs (DVA), and you should contact the nearest office of DVA concerning your right to apply for benefits.

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,

12/20/2021

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Executive Director

Signed by: █