



After you waived your procedural rights, your commanding officer (CO) forwarded your package to the separation authority (SA) recommending your discharge by reason of misconduct due to a pattern of misconduct, with an other than honorable (OTH) characterization of service. The SA approved your CO's recommendation and on 31 July 1990, you were so discharged.

As part of the Board's review, a qualified mental health professional reviewed your request and provided the Board with an AO on 16 December 2021. The AO stated in part that based on the current available evidence, there is insufficient evidence that you may have incurred an unfitting mental health condition or PTSD during military service, and there is insufficient evidence that your misconduct could be mitigated by an unfitting mental health condition.

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 and contentions that: (a) you were experiencing a mental health condition due to being away from your family for the first time; and (b) you faced harassment and intimidation from other Marines, you were young and immature, and since discharge, you earned your Bachelor Degree, started ministering to the youth and currently working as a federal contractor. Unfortunately, after careful consideration of the AO, your failure to submit supporting documentation, and applying liberal consideration, the Board did not find an error or injustice that warrants upgrading your characterization of service or granting clemency in the form of an upgraded characterization of service.

The Board noted that there is no evidence in your record, and you submitted none, to support your contention of facing harassment and intimidation from other Marines. The Board also noted that the evidence of record did not show that you were not responsible for your conduct or that you should not be held accountable for your actions. Lastly, the Board noted while commendable, your post service conduct does not excuse your conduct while enlisted in the Marine Corps or the basis for your discharge.

Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined your misconduct as evidenced by your two NJPs and SCM conviction, outweighed the potential mitigating factors. As a result, when weighing the seriousness of your misconduct against the brevity of your active duty service, the Board concluded that the preponderance of the evidence supports a finding that your conduct was a significant departure from that expected from a Marine and merits an Other than Honorable characterization of service. 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,

3/23/2022

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Executive Director

Signed by: █