



being disrespectful in language towards a superior noncommissioned officer. On 25 November 1992, you received your third NJP for being absent from your appointed place of duty.

On 22 December 1992, you were notified that you were being recommended for administrative discharge from the Marine Corps. You were advised of, and elected your procedural right, to consult with and be represented by military counsel, and your right to present your case to an administrative discharge board (ADB). On 13 January 1993, after consulting with military counsel, you signed a conditional agreement between yourself and the commanding officer (CO) agreeing to waive your right to present your case to an ADB provided that you were allowed to submit a written rebuttal statement in lieu of the ADB. The Board noted your written rebuttal statement of 20 January 1993. On 5 February 1993, having agreed with the conditional waiver and accepting your written rebuttal statement, your CO forward his recommendation to the separation authority (SA) recommending that you be administratively discharged from the Marine Corps with an other than honorable (OTH) characterization of service. The separation authority approved the CO's recommendation for administrative separation, however, directed that you be administratively discharged from the Marine Corps with an other than honorable characterization of service by reason of misconduct due to pattern of misconduct. On 30 April 1993, you were so 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 submission of supporting documentation and your desire to upgrade your discharge character of service. The Board also considered your contentions that your service was exemplary, and that you were dealing with a lot of stress, that included: 1) after your friend passed away in a motorcycle accident, things went downhill; 2) your brother had an accident and was charged with involuntary manslaughter; 3) you found out you was a father and it was possible that you could be deployed to the Persian Gulf War; and 4) as noncommissioned officer (NCO) (E4), you were put in charge of the barracks. Based upon this review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by three NJPs and a SCM conviction, 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, \_\_\_\_\_

11/30/2021

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Executive Director

Signed by: █