



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

█  
Docket No: 0774-22  
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 16 February 2022. 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 27 July 1995. On 4 May 1996, you were arrested by civil authorities. On 31 May 1996, you were notified of the initiation of administrative separation proceedings by reason of misconduct due to the commission of a serious offense, at which point, you elected your right to consult with counsel, and review of your case by an administrative discharge board (ADB). On 12 June 1996, an ADB convened and recommended your separation from the Marine Corps with an other than honorable (OTH) character of service by reason of misconduct due to the commission of a serious offense. On 16 June 1996, your commanding officer concurred with the ADB's recommendation. On 20 July 1996, your administrative separation proceedings were determined to be sufficient in law and fact. On 21 June 1996, the separation authority approved and directed your separation from the Marine Corps with an OTH character of service by reason of misconduct due to the commission of a serious offense. On 8 August 1996, 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 desire to upgrade your character of service. You contend that you performed your duty to the fullest extent, and you believe some information relating to your training was left out. The Board reviewed the evidence you provided with your application. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined your case was reviewed by an ADB and determined to be sufficient in law and fact. The Board concluded that your discharge was appropriate based on the seriousness of the misconduct found by the ADB. 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,

3/4/2022

[REDACTED]

Executive Director

Signed by: [REDACTED]