



**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: 1409-22  
Ref: Signature Date

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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 9 March 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 28 December 1999. You were counseled on 1 December 2000, for failure to display sound judgement required by all Marines of your grade. You were notified further misconduct may result in administrative separation. From the period beginning on 11 June 2003 through 22 September 2003 you received three non-judicial punishments (NJPs) for the following charges: Sleeping on duty, two specifications for failure to obey an order, disrespect towards a non-commission officer (NCO), two specifications of unauthorized absence (UA), failed to follow a direct order of a superior commissioned officer to complete an assigned task by commanding officer (CO), and insubordinate conduct toward an NCO. The record reflects you were informed by your CO that you were not recommended for reenlistment due to your pattern of misconduct and that you would be assigned a reenlistment code of RE-3C. On 27 December 2003, you were discharged with a general character of service and released from active duty.

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 characterization of service to Honorable based on your contention that your service was honorable. The Board determined your application did not include evidence to support your contention, nor was there supporting evidence in your naval records. Please note a General characterization of service is warranted when significant negative aspects of the members conduct or performance of duty outweigh positive aspects of the member's military conduct or performance of duty outweigh positive aspects of the record. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board noted your repeated misconduct, as evidenced by your three NJPs, outweighed the positive aspects of your service. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

Regarding your request for awards, the Board determined you have not exhausted all administrative remedies prior to your appeal to this agency. Please forward your request to the Navy Department Board of Decorations and Medals (NDBDM), 720 Kennon Street SE, Suite 309, Washington Navy Yard, DC 20374, for adjudication.

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,

3/24/2022

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Executive Director

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