

(DD). On 16 June 1997, the Convening Authority approved the GCM sentence. Upon the completion of appellate review in your case, on 10 March 2003, you were discharged from the Marine Corps with a DD and assigned an RE-4 reentry code.

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: (a) you believe an upgrade should be made so you can improve yourself even more and correct the things you've done in the past, (b) you were young, wild, and ignorant, and have grown into a good man and want a record your wife and stepdaughter can be proud of, (c) you are now living a much better life and trying to make up for your past, (d) you could really use health care benefits for medical issues you are experiencing, (e) you are going to start trying to volunteer at local agencies and grow vegetables to donate to DAV, and (f) you wish you could go back and do things different and better, and wish you could have made a better Marine. For purposes of clemency consideration, the Board noted you did not provide supporting documentation describing post-service accomplishments, or advocacy letters.

The Board unequivocally did not believe that your record was otherwise so meritorious to deserve an upgrade. The Board concluded that significant negative aspects of your conduct and/or performance greatly outweighed any positive aspects of your military record. The Board also determined that your misconduct constituted a significant departure from the conduct expected of a Marine and that the record clearly reflected your misconduct was intentional and willful and demonstrated you were unfit for further service. Moreover, the Board noted that the evidence of record did not demonstrate that you were not mentally responsible for your conduct or that you should not otherwise be held accountable for your actions.

The Board noted that there is no provision of federal law or in Navy/Marine Corps regulations that allows for a discharge to be automatically upgraded after a specified number of months or years. Lastly, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating VA benefits, or enhancing educational or employment opportunities. Accordingly, the Board determined that there was no impropriety or inequity in your discharge, and concluded that your misconduct and disregard for good order and discipline clearly merited your DD. In the end, the Board concluded that you received the correct discharge characterization based on the totality of your circumstances, and that such action was in accordance with all Department of the Navy directives and policy at the time of your discharge.

The Board also noted that, although it cannot set aside a conviction, it might grant clemency in the form of changing a characterization of discharge, even one awarded by a court-martial. However, the Board concluded that despite your contentions this is not a case warranting any clemency. The Board carefully considered your statement regarding your post-service conduct. However, even in light of the Wilkie Memo and reviewing the record holistically, the Board did not find evidence to support a finding of an error, injustice, or clemency that warrants upgrading your characterization of service.

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, _____

6/14/2022

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Signed by: █