



**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: 3501-22  
Ref: Signature Date

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Dear █

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 23 May 2022. The names and votes of the panel members will be furnished upon request. Your request for clemency was 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, 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 U.S. Marine Corps and began a period of active duty on 26 April 1988. On 4 October 1988, you received your first nonjudicial punishment (NJP) for a period of unauthorized absence (UA) lasting less than 24 hours and for possessing, with intent to deceive, an altered identification card. On 6 October 1988, you received an administrative counseling warning documenting your deficiencies and advising you that failure to take corrective action may result in administrative separation or judicial proceedings. Although you were given the opportunity to submit a statement in rebuttal for the administrative counseling, you chose not to do so. On 4 May 1989, you received a second NJP for a period of UA lasting 14 days. On 16 May 1989, you were issued an additional administrative counseling/warning. On 13 September 1989, you were found guilty at a special court-martial of wrongfully over-purchasing the monthly allowance of alcoholic beverages, two specifications of failing to muster with the Duty Non-Commissioned Officer (NCO) and initial restriction papers at the appropriate times, nine specifications of uttering worthless checks, breaking restriction, larceny, and false

official statement. You were sentenced to be confined for 100 days, to forfeit \$450.00 pay per month for four months, and a Bad Conduct Discharge (BCD).

While confined you submitted a clemency request via the Prisoner Assignment and Clemency Board in the form of remission of your BCD. You also requested to be separated with a General (Under Honorable Conditions) (GEN) characterization of service. By a vote of 3-0, the Board voted against remission, stating that “the decision was based on lack of remorse, no restitution, and crime committed for personal gain.”

On 27 October 1989, you were referred to a substance abuse evaluation and were diagnosed as an alcohol abuser. The evaluation recommended you attend three alcoholics anonymous meetings per week for four weeks. On 11 November 1989, you submitted a request for restoration/clemency in the form of (1) remissions of your discharge or (2) for your characterization of discharge to be upgraded to a GEN via the Naval Clemency and Parole Board (NCPB). NCPB denied your request but documented you must be afforded the opportunity to attend a 30 day inpatient treatment program at a Department of Veterans Affairs (VA) hospital prior to being discharged. On 2 January 1990, administrative remarks capture you were offered, but declined, the aforementioned treatment. On 9 August 1991, you were discharged with a BCD characterization of service as a result of a court-martial.

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: (1) you enlisted after dropping out of high school as a sophomore at 17; (2) you always wanted to be a Marine; (3) you came from a family of alcoholic and domestic abuse and carry the same alcoholic gene as your father; (4) you have accepted responsibility for your actions and have continually tried to better yourself and those around you; (5) you have become a contributing member of society; (6) you have learned union trades in carpentry and as an electrical lineman; (7) you do all you can to help other veterans by volunteering with your local veterans organizations; (8) a discharge upgrade will help you to be a more productive member of society; (9) when you were not drinking you were an exceptional Marine, always at the top with the best Marines; (10) a different military occupational specialty (MOS) would have helped you; (11) your discharge from the USMC has been the most difficult thing to live with next to losing your daughter before she was born; and (12) you promise to never dishonor the Corps or your country and continue helping other veterans in whatever way you can. For purposes of clemency consideration, the Board noted provided supporting documentation describing post-service accomplishments and advocacy letters.

Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your NJPs and SPCM, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the lack of remorse you exhibited during your confinement. Further, the Board took into consideration the negative impact your conduct likely had on the good order and discipline of your unit. As a result, the Board concluded your conduct constituted a significant departure from that expected of a Marine and continues to warrant a BCD. While the Board acknowledged and commended you for your

post-service sobriety and accomplishments, after applying liberal consideration, the Board did not find evidence of an error or injustice that warrants upgrading your characterization of service or granting clemency in the form of an upgraded characterization of service. 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 the 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 is attached 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,

6/17/2022

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Executive Director

Signed by: █