



included, but were not limited to, your desire for a discharge upgrade and contentions that you were forced into accepting a discharge and were not given the opportunity to resume your enlistment, that you did not have legal representation, and that you enlisted in the Marine Corps under false representation while being severely addicted to drugs. For purposes of clemency consideration, the Board noted you did not provide supporting documentation describing post-service accomplishments, or 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 multiple periods of UA, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact your last period of UA spanned over six years in length. Additionally, the Board found no evidence to support your contentions including the facts you were forced into submitting a request to be separated in lieu of trial by court martial and not represented by counsel. Ultimately, the Board found that you already received a large measure of clemency when the Marine Corps accepted your request to be administratively separated in lieu of trial by court martial. The Board determined it was likely that you were spared a punitive discharge along with the stigma of a court martial conviction based on the nature of your misconduct. Finally, the Board concluded that the fact you may have entered the Marine Corps fraudulently did not excuse or warrant mitigation of your misconduct. As a result, the Board concluded your conduct constituted a significant departure from that expected of a Marine and continues to warrant an OTH characterization. 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 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,

7/4/2022

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