



4-day period of UA from 25 - 28 September 1987; however, no administrative separation action was initiated at that time.

In November 1987, you were counseled for being reassigned to the weight control program and again counseled, in February of 1988, regarding unsatisfactory progress. You were also counseled, on 19 February 1988, for a pattern of misconduct due to minor disciplinary infractions with guidance that you needed to be on time, obey orders and regulations, and not enter into a UA status. Statements from your immediate leadership reflect that you were lethargic in nature, required constant supervision, would only do specifically what was instructed, and could not be depended upon. Your supervisory noncommissioned officer, staff noncommissioned officer, and officer-in-charge all recommended that you be discharged with a General (Under Honorable Conditions) discharge. However, when you were notified of administrative separation processing by reason of misconduct due to a pattern of misconduct on 16 March 1988, your commanding officer informed you that you could receive an Other Than Honorable (OTH) characterization of service, which he later recommended. You waived consultation with legal counsel and your right to a hearing before an administrative separation board. Following approval of the recommendation for your separation by Commanding General, ██████████, you were discharge with an OTH, on 4 April 1988, with final proficiency and conduct marks of 3.9 and 4.0 respectively.

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 your contentions that your infant child's birth defect resulted in emergency hospitalization and surgery, which resulted in your return to weight control and caused you to experience stress and depression. You further contend that there was no misconduct involved with your discharge and that the actual reason for your administrative separation was due to refusing to accept overseas orders issued the day after your son's surgery; you apologized for not following through on your commitment to the Marine Corps but affirm that you feel you made the correct decision based on the needs of your child. You also assert that your nearly 3-year record of serviced requires a better characterization in light of post-discharge character and accomplishments. For purposes of clemency and equity consideration, the Board noted, other than your personal statement, you did not provide supporting documentation describing post-service accomplishments or advocacy letters.

After thorough 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, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and found that your conduct showed a complete disregard for military authority and regulations. While your contentions regarding refusal of overseas orders theoretically could have factored into the decision to proceed with administrative separation, you submitted no evidence in support of this allegation or in support of your contention that your son's medical condition should be considered as a mitigating factor. Absent such substantiating documentation, and regardless of the indicia of potentially mitigating factors that the Board observed may be reflected by the more favorable characterization recommendations from your immediate chain of command, the Board determined the evidence of misconduct documented in your service record adequately supports the actions taken with regard to your administrative separation and OTH discharge. Similarly, as previously mentioned, you failed to provide any

