



by means of an explosive. As punishment, you were sentenced to confinement, forfeiture of pay, and reduction in rank. On 12 February 1998, you were arrested by civilian authorities for driving under the influence of alcohol. On 13 April 1998, you counselled regarding your conviction by civilian authorities of driving under the influence of alcohol.

Unfortunately, documents pertinent to your administrative separation are not in your official military personnel file (OMPF). However, the record shows on 17 March 1999, the staff judge advocate reviewed the proceedings of your administrative separation and found the proceedings sufficient in law and fact to support your administrative discharge from the Marine Corps. The separation authority directed your Other Than Honorable (OTH) discharge from the Marine Corps. Based on the information contained on your Certificate of Release or Discharge from Active Duty (DD Form 214), you were separated from the Marine Corps, on 23 March 1999, with an "Other Than Honorable" (OTH) characterization of service, your narrative reason for separation is "Misconduct," your reenlistment code is "RE-4," and your separation code is "GKA1," which corresponds to misconduct due to pattern of misconduct.

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 change your discharge character of service. You assert that you maintained your training to stay in compliance in any area you was assigned, and took pride in your daily duties outside of the Corps, and continue to take pride in what you do. You further assert that you are currently a station manager for Southwest Airlines with a proven track record. For purposes of clemency and equity consideration, the Board noted you did not provide supporting documentation describing post-service accomplishments or advocacy letters.

After thorough review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your civilian conviction and SPCM, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and concluded your misconduct showed a complete disregard for military authority and regulations. The Board also considered the negative impact your conduct likely had on the good order and discipline of your unit and the discrediting nature of your civilian conviction. Ultimately, the Board found that the record clearly reflected that your active duty misconduct was intentional and willful. The Board also determined that the evidence of record did not demonstrate that you were not responsible for your conduct or that you should otherwise not be held accountable for your actions. While the Board noted that you did not receive a punitive discharge from your SPCM conviction, they noted that you continued to commit misconduct afterwards, such as your conviction by civilian authorities. As a result, the Board determined your conduct constituted a significant departure from that expected of a Marine and continues to warrant an OTH characterization. While the Board commends your post-discharge accomplishments, even in light of the Wilkie Memo and reviewing the record holistically, the Board did not find evidence of an error or injustice that warrants upgrading your characterization of service or granting an upgraded characterization of service as a matter of clemency or equity. Accordingly, given the totality of the circumstances, the Board determined your request does not merit relief.

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,

1/3/2023

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Executive Director

Signed by: ■