



for separation is “Convenience of the Government (Pregnancy) Paragraph 10271.1d, Marine Corps Manual.” At the time of your discharge, your final conduct average was 3.4.

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: (1) you were discharged due to your pregnancy, (2) you never received disciplinary action during your service, and (3) would like your discharge characterization of service upgraded in order to enroll in the State of █ Soldiers Home Assisted Living Program. 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 these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your SCM, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and weighed it against your overall active duty service. Further, the Board considered that your final conduct average did not meet the threshold for an Honorable characterization of service. At the time of your service, an overall conduct average of 4.0 was required for a fully Honorable characterization. Additionally, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating veterans’ benefits, or enhancing educational or employment opportunities. Finally, the Board noted that you did not provide any evidence to substantiate your contention that you were never disciplined while on active duty. As a result, the Board concluded significant negative aspects of your active duty service outweighed the positive aspects and continues to warrant a GEN characterization. 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 granting you the relief you requested or granting relief as a matter of clemency or equity. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

It is regrettable that the circumstances of your petition are such that favorable action cannot be taken. 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,

2/2/2023

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