



again counselled regarding missing movement and advising you that any further disciplinary infractions or continuation of deficient performance may result in disciplinary action and/or in processing for administrative discharge. On 10 April 1991, you received a third NJP for disobeying a lawful.

On 24 April 1991, Commanding Officer (CO), █, recommended to the separation authority that you be discharged with an other than honorable (OTH) characterization of service by reason of pattern of misconduct (POM). On 9 May 1991, you were notified of your pending administrative separation by reason of POM, at which time you elected your right to consult with military counsel and to have your case heard before an administrative discharge board (ADB). On 12 June 1991, Commanding Officer, Headquarters and Service Battalion, recommended to the separation authority that you be discharge with an OTH characterization by reason of POM. On 9 July 1991, via your defense counsel, you submitted correspondence waiving your previously elected ADB hearing. Your case was reviewed by a staff judge advocate on 30 July 1991, who found the proceedings to be sufficient in law and fact. On 1 August 1991, the separation authority directed you be discharged with an OTH for POM. On 27 August 1991, you were so discharged.

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 characterization of service and your contentions that you completed your four years of service, this should have disqualified you from "having a bad discharge after the fact," and that you are not sure how you got a misconduct discharge. For purposes of clemency and equity consideration, the Board noted you did not provide documentation describing post-service accomplishments or advocacy letters.

After a 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 SPCM and NJPs, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and found that it showed a complete disregard for military authority and regulations. Further, the Board considered the likely negative effect your conduct had on the good order and discipline of your command. Finally, the Board did not find your arguments regarding completing your enlistment persuasive for upgrading your assigned characterization of service. The Board noted that you were approved for a POM discharge on 1 August 1991, well before your enlistment expired. The fact the Marine Corps chose to effect your discharge on the date your enlistment expired, in the Board's opinion, did not obviate your misconduct based discharge. As a result, the Board concluded your conduct constituted a significant departure from that expected of a service member and continues to warrant an OTH 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.

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,

6/1/2023

