



On 7 September 1993, you were notified that you were being processed for an administrative discharge by reason of misconduct due to commission of a serious offense. You waived your right to consult with qualified counsel and your right to present your case at an administrative separation board. On 9 June 1994, the Commanding Officer (CO), █, requested reconsideration of your administrative separations, stating that during your time with the command, you were a “productive, motivated Marine...it appears that a change of leadership techniques...was all it took to enhance this Marine’s maturity and responsibility.” Ultimately, the separation authority concurred with the original separation recommendation and, on 24 June 1994, you were discharged from the Marine Corps due to your misconduct and assigned an Other Than Honorable (OTH) characterization of service and an RE- 4 reentry code.

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: (1) your desire to change your discharge characterization, (2) your contention that your misconduct was relatively minor in comparison to the severity of the discharge characterization, and (3) the positive endorsements provided by your CO and your Platoon Sergeant. For purposes of clemency and equity consideration, the Board noted that you provided advocacy letters and excerpts from your record.

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 four NJPs, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your repeated misconduct and the fact that it involved the circumvention of U.S. and foreign agreements. Further, the Board considered the likely negative impact your conduct had on the good order and discipline of your command. The Board determined that such misconduct is contrary to Marine Corps values and policy, and places an unnecessary burden on fellow service members. A characterization under OTH conditions is appropriate when the basis for separation is the commission of an act or acts constituting a significant departure from the conduct expected of a service member. The Board did not believe that your record was otherwise so meritorious as to deserve a discharge upgrade or change to your narrative reason for separation.

While the Board carefully considered the evidence you submitted in mitigation, the Board determined that there was no impropriety or inequity in your discharge, and even under the liberal consideration standard, the Board concluded that your misconduct clearly merited your receipt of an OTH. Therefore, 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. Ultimately, the Board concluded the mitigation evidence you provided was insufficient to outweigh the seriousness of your misconduct. 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 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,

9/25/2023

