



On 2 February 1990, you received a fifth NJP for unauthorized absence and absence from your appointed place of duty. On 23 February 1990, you were notified that you were being recommended for administrative discharge from the Marine Corps by reason of misconduct due to a pattern of misconduct. You elected your procedural right to consult with military counsel and present your case to an administrative discharge board (ADB). On 23 March 1990, you received your sixth NJP for assault upon a NCO. On 23 March 1990, the ADB convened and determined that the preponderance of the evidence supported a finding of misconduct, and recommended that you be separated from the Marine Corps with an Other Than Honorable (OTH) characterization of service. The separation authority approved the recommendation for administrative discharge, and directed your OTH discharge from the Marine Corps by reason of misconduct due to pattern of misconduct. On 18 May 1990, 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 discharge character of service for VA purposes and contention that having received your discharge at a young age in your life has prohibited you from getting the healthcare treatment and benefits needed to be diagnosed and treated for issues that you incurred in-service. Additionally, the Board noted you checked the "PTSD" box on your application but chose not to respond to the 29 September 2023 letter from the Board requesting evidence in support of your claim. 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 NJPs, 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 likely negative impact your conduct had on the good order and discipline of your unit. Further, the Board found that your misconduct was intentional and made you unsuitable for continued naval service. Furthermore, 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. The Board noted that you were provided opportunities to correct your deficiencies during your service, however, you continued to commit additional misconduct. Finally, 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. As a result, the Board determined 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 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,

11/28/2023

