



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

█
Docket No. 10774-23
1485-23
6040-22
Ref: Signature Date



Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Because your application was submitted with new evidence not previously considered, the Board found it in the interest of justice to review your application. Your current request has been carefully examined by a three-member panel of the Board, sitting in executive session on 5 February 2024. The names and votes of the panel members will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of the Board. Documentary material considered by the Board consisted of your application together with all material submitted in support thereof, relevant portions of your naval record, and applicable statutes, regulations, and policies, to include the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice, or clemency determinations (Wilkie Memo).

You were previously denied relief by this Board on 28 October 2022 and 7 April 2023. The facts of your case remain substantially unchanged.

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, change your name to █ and change your social security number. You contend that: (1) you served your time at the disciplinary barracks at █, (2) you were a good inmate and role model and were released early by the board with full clemency without parole, (3) you are asking for forgiveness, (4) you apologize to the Marine Corps and to your victims, and (5) you were young, stupid, misunderstood, new to another culture, and a plain idiot. For purposes of clemency and equity, the Board noted you provided a personal statement and character 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 non-judicial punishment and courts-martial convictions, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your offenses, the fact that you were the senior Marine involved in the grievous bodily harm of a fellow Marine, and that you showed a complete disregard for military authority and regulations. While the Board considered your contentions regarding your immaturity and youth, they determined these mitigation factors were insufficient to overcome the seriousness of your misconduct. As a result, the Board concluded your conduct constituted a significant departure of that expected of a service member and continues to warrant a Bad Conduct Discharge (BCD). While the Board carefully considered your personal statement and the character letters you submitted in mitigation, 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.

Regarding your request to have your name and social security number changed, the Board noted you did not provide evidence to support these requests. 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 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,

2/27/2024

