



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

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Docket No. 4115-24  
Ref: Signature Date

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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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 18 October 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 to the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice or clemency determinations (Wilkie Memo).

You enlisted in the Marine Corps and began a period of active duty on 21 August 1980. On 19 December 1980, you accepted nonjudicial punishment (NJP) for a single violation of the Uniform Code of Military Justice (UCMJ) under Article 92 for failing to attend a Family Orientation Class as required by a local installation order. On 10 February 1982, you accepted a second NJP for violation of Articles 86 and 92, respectively due to failure to go at the time prescribed to your appointed place of duty at field day and for willfully disobeying an order from a staff sergeant to get your hair cut. Following this second NJP, you were issued formal administrative counseling advising you to correct your conduct deficiencies and warning you that further misconduct could result in administrative discharge under unfavorable conditions. Although a majority of your punishment from your second NJP had been suspended, the suspended punishment was vacated on 7 May 1982 for unspecified reasons. You then received a third NJP, on 23 November 1982, for another Article 86 violation following a 90-minute absence

from your appointed place of duty. In November and December 1983, you were issued administrative counseling regarding misconduct due to possession of a bottle of alcohol during a field exercise and two additional counseling advisements due to poor personal appearance, conduct problems, and frequent involvement with military authorities. You were advised that you were being processed for administrative discharge and referred to substance abuse counseling for a drinking problem. While the recommendation for your separation was pending final action, you were subject to a fourth NJP, on 17 January 1984, for violation of a lawful general order by conversing with another sentry on an unauthorized channel about matters unrelated to your sentry duties.

Unfortunately, the documents pertinent to your administrative separation are not in your official military personnel file (OMPF). Notwithstanding, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. Your Certificate of Release or Discharge from Active Duty (DD Form 214), reveals that you were separated from the Marine Corps on 28 March 1984 with an Other Than Honorable (OTH) characterization of service, your narrative reason for separation is "Misconduct – Pattern of Misconduct (Admin Discharge Board Required But Waived)," your separation code is "HKA-1," and your reenlistment code is "RE-4."

In a previous application to the Naval Discharge Review Board (NDRB), you contended that your discharge was too harsh for the offenses you had committed. Your request was considered on 4 October 1985 and denied. The NDRB noted that your total record during the period of service reflected a continued decline in potential for further service due to misconduct to include four NJPs and numerous occasions of counseling, despite which rehabilitative efforts, your pattern of misconduct had continued. Additionally, although you were afforded the opportunity to rebut the basis of your discharge at an administrative discharge board, you elected to waive all rights except to obtain copies of your discharge documentation.

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 change your narrative reason for separation. You contend that the severity of your discharge is unjust in light of recent Board decisions, your discharge is unjust in light of your exemplary post-service conduct, and current guidelines and policies would have afforded you more resources to address the underlying issues that you allege contributed to your discharge; particularly with respect to problems with your spouse. Specifically, you describe that you married your high school girlfriend shortly after boot camp and she contrived to stop using birth control to become pregnant because she was unhappy with your enlistment in the Marine Corps. You state that she wanted you to be discharged, even if under adverse circumstances. You assert that she frequently attempted to cause problems and behave in a way designed to get you into trouble or to cause you to report late, resulting in unauthorized absences. Additionally, you claim that she would go outside your chain of command to address her complaints and would interfere with your participation in field exercises. You believes that her chronic interference tarnished your reputation with your fellow Marines and superiors and that it adversely impacted the way your conduct issues were handled, ultimately leading to your administrative separation. You also outline your post-discharge character and accomplishments in a personal statement and provided a character letter from a co-worker in support of consideration of a potential grant on the basis of

