



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

[REDACTED]
Docket No. 4962-24
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED]
[REDACTED] USMC

Ref: (a) 10 U.S.C. § 1552
(b) USD (P&R) Memo, "Guidance to Military Discharge Review Boards and Boards for Correction of Military / Naval Records Regarding Equity, Injustice, or Clemency Determinations," 25 July 2018
(c) SECNAVINST 5420.193, Board for Correction of Naval Records, 19 November 1997

Encl: (1) DD Form 149 w/enclosures
(2) DD Form 214 (19800208 – 19830207)
(3) DD Form 214 (19850305 – 19860210)
(4) NAVMC 783, United States Marine Corps Appointment Acceptance and Record, 17 May 1989
(5) [REDACTED] Recruiting Station Memo 1100 OS, subj: Candidate [Petitioner], 28 June 1988
(6) DD Form 214 (19890516 – 19930625)
(7) NAVMC 118(3), Chronological Record
(8) NAVMC 118(12), Offenses and Punishments
(9) [REDACTED] CG Memo 5812 17/10, subj: Letter of Reprimand, 22 January 1993
(10) [REDACTED] CG Memo 5812 17/10, subj: Report of Nonjudicial Punishment, 5 February 1993
(11) Petitioner's Memo 5812 17/10, First Endorsement on Enclosure (10), subj: Report of Nonjudicial Punishment in the case of [Petitioner], 18 February 1993
(12) Petitioner's Memo 5800, subj: Rebuttal to Report of Article 15 Proceedings in the case of [Petitioner], 17 February 1993
(13) [REDACTED] CG Memo 5812 17/10, Second Endorsement on Enclosure (10), subj: Report of Nonjudicial Punishment in the case of [Petitioner], *date illegible*
(14) [REDACTED] Atlantic CG Memo, Third Endorsement on Enclosure (10), subj: Report of Nonjudicial Punishment in the case of [Petitioner], 10 June 1993
(15) NDRB Discharge Review Decisional Document, Docket No. MD02-00035

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records, hereinafter referred to as the Board, requesting that his characterization of service be upgraded to honorable. See enclosure (1).

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2. The Board reviewed Petitioner's allegations of error or injustice on 15 November 2024 and, pursuant to its governing policies and procedures, determined that the corrective action indicated below should be taken on his naval record in the interests of justice. Documentary material considered by the Board included the enclosures; relevant portions of Petitioner's naval records; and applicable statutes, regulations, and policies, to include reference (b).

3. Having reviewed all the evidence of record pertaining to Petitioner's allegations of error or injustice, the Board found as follows:

a. Before applying to the Board, Petitioner exhausted all administrative remedies available under existing law and regulation within the Department of the Navy.

b. Although enclosure (1) was not filed in a timely manner, it is in the interests of justice to waive the statute of limitations and review Petitioner's application on its merits.

c. Petitioner enlisted in the U.S. Army and began a period of active duty service on 8 February 1980. He was honorably discharged upon the completion of his service obligation on 7 February 1983. See enclosure (2).

d. On 5 March 1985, Petitioner reentered active duty as part of the U.S. Army Reserve (USAR) to attend the Warrant Officer Rotary Wing Aviator Course at [REDACTED]. He was honorably discharged upon completion of this course on 10 February 1986 to accept appointment as a warrant officer in the USAR. See enclosure (3).

e. On 11 February 1986, Petitioner was appointed as an aviation warrant officer in the USAR. See enclosure (4).

f. On 10 March 1988, Petitioner enlisted in the U.S. Marine Corps Reserve (USMCR) as an officer candidate, subject to final approval of his qualifications by the Commandant of the Marine Corps. See enclosure (5).

g. On 16 March 1989, Petitioner commenced a period of active duty service in the Marine Corps. See enclosure (6). He attended The Basic School from 1 October 1989 to 12 April 1990, and then continued flight training to serve as a Naval Aviator at various locations from 1 May 1990 to 6 August 1992. See enclosure (7).

h. One of the locations that Petitioner reported to for the flight training described in paragraph 3g above was [REDACTED] ([REDACTED]). He was assigned as a student to [REDACTED] on 4 April 1992. See enclosure (7).

i. While assigned to [REDACTED] ([REDACTED]) at [REDACTED] for flight training, Petitioner had to travel to [REDACTED] (4) Air Force Base (AFB) for temporary duty on or about 5 June 1992. See enclosure (7). He carpooled to and from [REDACTED] AFB with another Marine. See enclosure (1).

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j. Upon his return from [REDACTED] AFB, Petitioner filed a travel voucher on which he checked a box indicating that he was claiming mileage allowance. When questioned about this entry, he falsely claimed to have travelled to and from [REDACTED] AFB on his motorcycle. See enclosure (8).

k. On 22 January 1993, Petitioner received non-judicial punishment (NJP) for making a false official statement that he had travelled to and from [REDACTED] AFB on his motorcycle in violation of Article 107, Uniform Code of Military Justice (UCMJ). His punishment consisted of a punitive letter of reprimand (PLOR) and forfeiture of \$1,150 pay per month for two months.¹ See enclosure (8).

l. By memorandum dated 5 February 1993, the [REDACTED] ([REDACTED]) Commanding General (CG) prepared a Report of NJP to forward the results to the Commandant of the Marine Corps (CMC) along with any statement that Petitioner might wish to make. See enclosure (10).

m. By memorandum dated 10 February 1993, Petitioner acknowledged receipt of the Report of NJP referenced in paragraph 3l above and indicated his desire to submit a statement in response. See enclosure (11).

n. By memorandum dated 17 February 1993, Petitioner provided a statement in response to the Report of NJP referenced in paragraph 3l above. He acknowledged his mistake and expressed significant regret for it. Although he acknowledged and expressed his regret for lying to the officer about his mode of travel, he insisted that it was never his intent to file a false claim. Rather, he claimed that he merely checked the wrong block indicating that he was claiming mileage expenses. Petitioner pleaded for the opportunity to remain on active duty in the Marine Corps. See enclosure (12).

o. The [REDACTED] CG subsequently endorsed Petitioner's response to the Report of NJP and forwarded it to the CMC. Despite Petitioner's request to remain on active duty, the [REDACTED] CG strongly recommended that Petitioner not be retained on active duty and that a Board of Officers be convened in his case. See enclosure (13).

¹ The PLOR stated in relevant part:

2. You were charged with, and found guilty of, one specification of misconduct under [the UCMJ], as follows: Article 107, one specification of making a false official statement to Major [R.S.], to wit: That you had ridden your motorcycle to and from [REDACTED] Air Force Base. This offense standards to discredit the reputation of the Marine Corps with the people of the United States.

3. From the foregoing, it appears that your conduct seriously detracts from your standing as a commissioned officer. Additionally, your exercise of such exceptionally poor judgement subjected you, as a Marine Officer, to the scrutiny and negative observation of both the command of [REDACTED] Air Force Base where you were temporarily assigned. Therefore, ... you are hereby reprimanded for the misconduct delineated above.

See enclosure (9).

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p. For some reason, the package forwarded by the [REDACTED] CG to the CMC never arrived and could not be located. By memorandum dated 10 June 1993, the Commander, U.S. Marine Corps Forces, [REDACTED] resent the Report of NJP package and informed the CMC that Petitioner had already submitted a request for resignation in lieu of administrative discharge proceedings. That request was favorably endorsed on 4 May 1993 with a recommendation that Petitioner be separated from the Marine Corps under honorable conditions with a general discharge. See enclosure (14).

q. On 25 June 1993, Petitioner was discharged from the Marine Corps for unacceptable conduct with a general (under honorable conditions) characterization of service. See enclosure (6).

r. On 30 March 1995, the Naval Discharge Review Board (NDRB) denied Petitioner's first request for a discharge upgrade, finding his discharge to be proper and equitable. See enclosure (15).

s. On 2 May 2002, the NDRB again denied Petitioner's request for a discharge upgrade after a personal appearance hearing. See enclosure (15).

t. Petitioner simply asks the Board for mercy. He described the incident which resulted in his discharge as the "largest mistake of his life," and stated that he has been remorseful ever since. He provided extensive evidence of his post-service employment and success as a financial advisor and his volunteer service in his community, primarily but not limited to providing financial literacy training and advice. His application included a personal statement in which he expressed his regret for his actions more than 30 years ago

CONCLUSION:

Upon careful review and consideration of all of the evidence of record, the Board determined that equitable relief is warranted in the interests of justice.

The Board found no error in Petitioner's discharge for unacceptable conduct with a general (under honorable conditions) characterization of service. Although the documentation pertaining to Petitioner's resignation request and its subsequent processing is missing from Petitioner's record, the presumption of regularity applies to establish that all procedural requirements were satisfied. The misconduct in question is not in controversy, as Petitioner admitted to it both at the time and in his present application. Finally, the characterization of service assigned was both authorized and appropriate under the circumstances.

In addition to reviewing the circumstances of Petitioner's discharge for error or injustice at the time it was administered, the Board also considered the totality of the circumstances to determine whether equitable relief is warranted in the interests of justice in accordance with reference (b). In this regard, the Board considered, among other factors, Petitioner's previous honorable and meritorious service in the U.S. Army and USAR, as reflected in his receipt of a Good Conduct Medal and a commendation medal; the totality of Petitioner's service in the Marine Corps, which appears to have been otherwise honorable except for one isolated act of misconduct; the non-

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violent and relatively minor nature of Petitioner's misconduct; Petitioner's sincere and humble expression of remorse, both in the immediate aftermath of his misconduct and in his present application; Petitioner's post-service record of employment and professional accomplishment in spite of the stigma associated with his discharge, which suggests that his lapse of integrity while in the Marine Corps was an isolated event and not reflective of his general character; Petitioner's volunteer service in his community; and the passage of time since Petitioner's discharge. Based upon these factors, the Board determined that equitable relief is warranted in the interests of justice.

RECOMMENDATION:

In view of the above, the Board recommends that the following corrective action be taken on Petitioner's naval record in the interests of justice:

That Petitioner be issued a new DD Form 214 reflecting that his service ending on 25 June 1993 was characterized as honorable. All other entries reflected on Petitioner's DD Form 214 are to remain unchanged.

That Petitioner be issued an Honorable Discharge Certificate.

That a copy of this record of proceedings be filed in Petitioner's naval record.

That no further corrective action be taken on Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above titled matter.

5. The foregoing action of the Board is submitted for your review and action in accordance with Section 6e(2)(b) of Enclosure (1) to reference (c).

4/9/2025

[REDACTED]

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ASSISTANT SECRETARY OF THE NAVY (MANPOWER AND RESERVE AFFAIRS)
DECISION:

[REDACTED] Board Recommendation Approved (Grant Relief – I concur with the Board’s conclusion and therefore direct the corrective action recommended by the Board above.)

— Board Recommendation Disapproved (Deny Relief – I do not concur with the Board’s conclusion. Specifically, I found the mitigating factors considered by the Board to be insufficient to justify the equitable relief recommended by the Board. The general (under honorable conditions) characterization of service assigned in 1993 was, and remains, the appropriate characterization of Petitioner’s service given the totality of the circumstances.) Accordingly, I direct that no corrective action be taken on Petitioner’s naval record.)

[REDACTED]

Date: 23 April 2025