



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. 5971-24
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. 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 application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 5 August 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 enlisted in the Marine Corps and commenced active duty on 8 December 1981. After periods of continuous Honorable service, you immediately reenlisted for four years on 12 June 1990.

Between 15 August 1990, and 16 January 1991, you participated in █.

Between 2 and 16 January 1991, you participated in █
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Between 17 January and 23 March 1991, you participated in █.

Between 8 and 27 March 1992, you participated in ██████████ – 92, above the ██████████
██████████

On 2 May 1994, you again reenlisted for a period of four years.

On 18 June 1995, you were involved in an off-base, alcohol-related, automobile accident, in ██████████, resulting in the death of another driver. The other driver, a 27 year old woman, was a ██████████ national. Following this event you were screened for alcohol dependence, found to be dependent, and recommended for Level III inpatient treatment.

On 9 January 1996, a medical board convened at ██████████ related to your diagnosis of Low Back Syndrome. The medical board agreed with the diagnosis opined: “member is not currently physically qualified for full duty and is not likely to become so in a reasonable length of time.” The medical board recommended referral to the Physical Evaluation Board (PEB) for final adjudication.

On 1 April 1996, fitness report comments contained in your OMPF indicated you had completed Level III alcohol treatment with maximum benefit and were participating in an unstructured aftercare program. Your OMPF further documents that you received a ██████████ Civil conviction for driving under the influence of alcohol and wrongful death by professional negligence, for which you received a sentence of 18 months confinement.

Unfortunately, not all of 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. Based on the information contained on your Certificate of Release or Discharge from Active Duty (DD Form 214), you were separated on 5 June 1997 with an “Under Other Than Honorable Conditions (OTH)” characterization of service, your narrative reason for separation is “Involuntary Discharge (Board Waived)(Misconduct), your reentry code is “RE-4,” and your separation code is “HKB-1,” which corresponds to misconduct – civil conviction.

On 9 September 1997, following your discharge, the PEB closed your file with no finding due to case termination.

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 characterization of service to Honorable and to change your narrative reason for separation, separation code, and reentry code to reflect a “Secretarial Authority” discharge. You contend that your separation process was riddled with errors and your OTH characterization of service was an injustice that deserves to be corrected, you were convicted and sentenced in a ██████████ court for a car accident that resulted in the death of a ██████████ national at the same time three Marines were being tried for raping a 12-year old ██████████ national, this resulted in international pressure that negatively impacted your conviction and sentence, and an issue with your contact lens was not taken into consideration in your trial. For purposes of clemency and equity consideration, you provided

