

your court-martial, and that your post-discharge conduct indicates significant personal improvement. For purposes of clemency and equity consideration, the Board considered your statement, the advocacy letter, and the additional documentation of post-service accomplishments you provided.

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 Special Court Martial, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the likely negative impact your conduct had on the good order and discipline of your command. The Board noted you provided no evidence or details regarding the significant personal stressors that you contend contributed to you forging travel claims and stealing over \$2,800. The Board noted that, although one's service is generally characterized at the time of discharge based on performance and conduct throughout the entire enlistment, the conduct or performance of duty reflected by only a single incident of misconduct may provide the underlying basis for discharge characterization. Additionally, there is no precedent within this Board's review, for minimizing the "one-time" isolated incident. As with each case before the Board, the seriousness of a single act must be judged on its own merit, it can neither be excused nor extenuated solely on its isolation. However, the Board noted you pleaded guilty to two specifications each of committing forgery and larceny, once from 5 October 2004 to 19 October 2004 and then again from 29 November 2004 to 7 December 2004. Therefore, the Board was not persuaded by your argument that you made only one mistake or that your punitive discharge should be mitigated by the fact your SPCM was your only documented misconduct.

As a result, the Board concluded your conduct constituted a significant departure from that expected of a service member and continues to warrant a Bad Conduct Discharge. While the Board carefully considered the evidence you submitted in mitigation and commends you on your post-discharge accomplishments, 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. 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 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,

8/23/2024

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Executive Director

Signed by: █