



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

██████████
Docket No. 9341-24
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.

Because your application was submitted with new evidence not previously considered, the Board found it in the interest of justice to review your application. A three-member panel of the Board, sitting in executive session on 11 April 2025, has carefully examined your current request. 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 previously applied to this Board for relief and were denied on 14 December 2005 and 5 October 2016. Both requests were denied due to the seriousness and violent nature of your assault offenses and your extensive disciplinary record prior to your conviction. The summary of your service remains substantially unchanged from that addressed in the Board's previous decision. In significant part, however, in addition to multiple nonjudicial punishments (NJPs), you received a conviction by special court-martial (SPCM) for assault, by striking another Marine on the face with your fist and shoe clad feet, prior to receiving a punitive discharge following your conviction by general court-martial (GCM) of conspiracy to commit assault and six specifications of assault.

In your previous applications, you primarily contended that racial tensions within the Marine Corps following the conclusion of the ██████████ era contributed significantly to the circumstances

of the misconduct which resulted in your GCM conviction; although you have also previously contended that you did not participate in the actions that took place. You have also previously contended that you were treated unfairly due to your educational status and inability to understand reading or writing; an argument which was presented at length during your GCM trial proceedings. Further, you have previously asserted that your narrative reason for separation is factually wrong because it references desertion as part of the basis for your punitive discharge.

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 your contentions that your Bad Conduct Discharge (BCD) should be upgraded on the grounds of restorative justice and fundamental fairness. You assert that you have paid the price for your misconduct; which occurred over 50 years ago during a time of violent, nationwide racial hostilities which were, likewise, widespread aboard Marine Corps Base, ██████████. You believe that at least two of the members of the “██████████” who were involved in the assault incident have received discharge upgrades in recent years and you request that the actions for which you were convicted and adjudged a punitive discharge be reconsidered in light of the historic context of the environment which you and other non-white Marines lived aboard the installation; which included several Marines who were actively organizing as members of a white supremacist organization that had been implicated in committing acts of intimidation and violence against non-white Marines. The organization was believed, at the time of the incident, to be organizing a cache of weapons for nefarious purposes.

In support of your contentions and for the purpose of clemency and equity consideration, in addition to your legal counsel’s brief and your detailed personal statement, you submitted trial records, to include transcripts of testimony, the legal review conducted by the Staff Judge Advocated, numerous historical articles addressing the presence of the Ku Klux Klan (KKK) aboard MCB Camp ██████████ at the time of the incident, contemporary news articles and investigative journalism covering the incident and outcome of the “██████████,” a transcribed podcast regarding the incident, a review conducted by the Department of Defense (DoD) on historical racial disparities in disciplinary actions, and a news article addressing the racial disparity of the outcome of your GCM proceedings in contrast to the treatment received by the Marines who were openly operating as members of the KKK aboard the installation.

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 NJPs, SPCM, and GCM, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and found that your conduct showed a complete disregard for military authority and regulations. The Board observed you were given multiple opportunities to correct your conduct deficiencies but chose to continue to commit misconduct; which led to your BCD. Your conduct not only showed a pattern of misconduct but was sufficiently pervasive and serious to negatively affect the good order and discipline of your command. Additionally, although the Board favorably considered matters of post-service clemency, the Board determined that the severity of your violent misconduct significantly outweighed the mitigating factors you submitted for consideration and precluded clemency; even in light of the passage of time. While the Board recognized the potential threat and concerns for safety which you may have experienced at the time, the Board concurred with the findings of guilt resulting from your GCM trial and found that your concerns for the threat of potential white

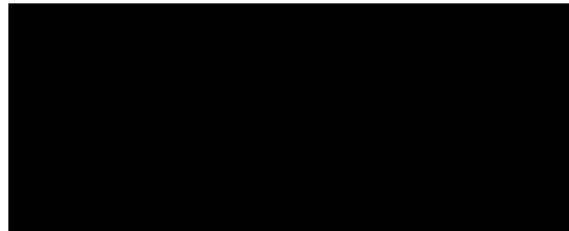
supremacist activity, while both serious and valid, did not justify taking preemptive action in the form of a violent assault upon other Marines. The fact that you took preemptive action, rather than acting in self-defense, was only made worse by the mistaken identity of the innocent victims.

As a result, the Board determined that there was no impropriety or inequity in your discharge and concluded that your misconduct and disregard for good order and discipline clearly merited your discharge¹. While the Board carefully considered the evidence 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. 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,

5/1/2025



¹ The Board observed that your narrative reason for separation erroneously includes a reference to desertion. However, the Board found this discrepancy to be harmless error since it, arguably references a less severe offense for your GCM conviction, and concluded that it did not warrant correction.