



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

[REDACTED]  
Docket No. 9515-24  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED],  
XXX XX [REDACTED] USMC

Ref: (a) 10 U.S.C. § 1552  
(b) USECDEF Memo of 25 July 2018 (Wilkie Memo)

Encl: (1) DD Form 149 with attachments  
(2) Case summary

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 (Board), requesting that his naval record be corrected to upgrade his characterization of service, to make other conforming changes to his DD Form 214, and to remove certain derogatory material from his service record.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 24 January 2025, and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, applicable statutes, regulations, and policies, to include reference (b).

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

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

b. Although enclosure (1) was not filed in a timely manner, the Board determined that it was in the interests of justice to review the application on its merits.

c. The Petitioner enlisted in the U.S. Marine Corps and began a period of active service on 10 June 1985. Petitioner's pre-enlistment physical examination on 13 December 1984 and self-reported medical history both noted no psychiatric and/or neurologic conditions or symptoms.

d. On 19 February 1986, a [REDACTED] grand jury indicted Petitioner on charges relating to a fire that occurred on 26 October 1984 that resulted in the death of three

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(3) individuals. The following month, [REDACTED] authorities arrived at Petitioner's duty station in [REDACTED] to escort him back to the United States to stand trial.

e. On 15 June 1987 Petitioner was convicted of three (3) counts of second-degree felony murder, and a separate arson charge. Petitioner was sentenced to three (3) concurrent life sentences for the murders and 18 to 20 years for the arson.

f. On 31 July 1987 Petitioner's command notified him of administrative separation proceedings by reason of misconduct due to a civilian conviction. Petitioner waived his rights (in writing) to consult with counsel, submit statements, and to request an administrative separation board. On 29 December 1987 Petitioner's commanding officer (CO) recommended to the Separation Authority that Petitioner receive an under other than honorable conditions (OTH) characterization of service. On 28 January 1988 a Marine Corps Staff Judge Advocate determined that Petitioner's separation was legally and factually sufficient. On 19 May 1988 the Commandant of the Marine Corps approved and directed Petitioner's discharge with an OTH discharge characterization. Ultimately, on 3 June 1988 Petitioner was discharged from the Marine Corps for misconduct with an OTH characterization of service and was assigned an RE-4 reentry code.

g. Despite maintaining his innocence, Petitioner remained incarcerated for the next 35 years. However, on June 14, 2023, a [REDACTED] Superior Court judge overturned Petitioner's convictions and granted him a new trial based on newly developed arson science that undermined the original fire investigation upon which Petitioner's convictions were based. Soon thereafter, on June 27, 2023, the [REDACTED] dismissed all charges against Petitioner, thus completely exonerating him.<sup>1</sup> Petitioner's case is now included on The National Registry of Exonerations,<sup>2</sup> an online database that provides comprehensive information on exonerations of individuals who were convicted of crimes that they did not commit in the United States.

h. At the time of Petitioner's separation from the Marine Corps, his overall active-duty trait average was approximately 4.3 in conduct as assigned on his available periodic evaluations. Marine Corps regulations in place at the time of his discharge required a minimum trait average of 4.0 in conduct/military behavior to be eligible and considered for a fully honorable characterization of service.

i. In short, Petitioner contended that he was discharged from the USMC through involuntary administrative separation proceedings and received an OTH character of service based on what we know now was a wrongful civilian conviction. While the USMC was acting appropriately on the information available at the time, Petitioner proffered that new evidence has come to light in the intervening decades that has proven Petitioner's innocence and resulted in

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<sup>1</sup> [REDACTED] of *Nolle Prosequi*, 27 June 2023.

<sup>2</sup> The National Registry of Exonerations,  
<https://www.law.umich.edu/special/exoneration/> [REDACTED]  
[REDACTED]

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his exoneration. Petitioner contended that while there was no way to make up for the 35 years that he lost, he noted that the BCNR has the opportunity to correct a small portion of the injustice that was done to him. Petitioner argued, in part, that despite successfully overturning his convictions, he is still dealing with the consequences of having an OTH discharge characterization on his record. Petitioner contended that such stigma adds to and exacerbates the extraordinary challenges he is facing as he re-enters society after 35 years of wrongful incarceration. Petitioner requested that the BCNR fix this injustice by changing his character of service to honorable and removing any and all references to his unjust conviction from his service record.

#### CONCLUSION:

For purposes of clemency and equity consideration, the Board considered the totality of the evidence Petitioner provided in support of his application. Upon review and consideration of all the evidence of record, the Board concluded that Petitioner's requests warrant full relief.

The Board determined that: (a) given the 1987 conviction was overturned by the Court in June 2023, (b) the underlying basis for Petitioner's administrative separation in 1988 no longer exists, and (c) given in the absence of any other documented misconduct in the Petitioner's service record, that Petitioner should now receive an honorable discharge along with a RE-1A reentry code.

The Board determined that Petitioner's administrative separation at the time of his discharge was legally and factually sufficient, and in accordance with all Department of the Navy directives and policy, but determined as a matter of justice, all documentation surrounding the administrative separation should be removed from his record.

#### RECOMMENDATION:

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

That Petitioner's character of service be changed to "Honorable," that Petitioner's separation authority be changed to "MARCORSEPMAN par. 6214," the separation code be changed to "JFF1," the narrative reason for separation should be changed to "Secretary of the Nav Plenary Authority," and the reentry code should be changed to "RE-1."

Petitioner shall be issued a new DD Form 214, Certificate of Release or Discharge from Active Duty.

Petitioner shall be issued an honorable discharge certificate.

That Headquarters, U.S. Marine Corps review Petitioner's service record and remove any references and documents regarding and/or referencing his criminal conviction and administrative separation from his official service records.

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That no further changes be made to Petitioner's record.

That a copy of this report of proceedings be filed in 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 entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

2/7/2025

