



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

██████████  
Docket No. 9850-24  
Ref: Signature Date

████████████████████  
████████████████  
████████████████

Dear ██████████

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.

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 case on its merits. A three-member panel of the Board, sitting in executive session on 21 January 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, 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 Began a period of active duty on 2 December 2002. Between 16 June 2003 and 16 June 2004, you received nonjudicial punishment (NJP) on three occasions for a period of unauthorized absence (UA), two periods of failure to obey a lawful order, robbery, and making a false official statement. Consequently, you were counseled in numerous occasions concerning your previous UCMJ violations and advised that failure to take corrective action could result in administrative separation. On 20 September 2005, you were convicted by special court martial (SPCM) for a period of UA from appointed place of duty, willfully disobeying orders, dereliction in the performance of your duties by stealing personal property, larceny, intent defraud and communicating a threat. You were found guilty and sentenced to a Bad Conduct Discharge (BCD), confinement, 30 days of hard labor, and forfeiture of pay. After completion of all levels of review, you were so discharged on 3 January 2008.

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 for a discharge upgrade and contentions that: (a) you now take life seriously as you decided to start a new family, (b) you were young and now are now older; you paid the price and suffered enough, (c) you own a disability consulting firm, (d) you have been apologizing to your country for over 20 years, (d) you were always stressed and disheartened which caused you to lashed out on people, (e) you would love to received benefits. For purposes of clemency and equity consideration, the Board noted you did not provide documentation describing post-service accomplishments or advocacy letters.

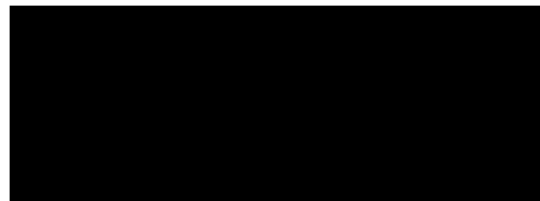
After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your NJPs and SPCM, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and found that your conduct showed a complete disregard for military authority and regulations. The Board noted that you were given multiple opportunities to correct your deficiencies but continued to commit misconduct; which led to your BCD<sup>1</sup>. 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. Finally, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating veterans' benefits or enhancing educational or employment opportunities.

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 discharge. 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. 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 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,

2/14/2025



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<sup>1</sup> The Board was particularly surprised that you were allowed to continue your career after you received NJP for a robbery charge. The Board took special notice that you continued to commit misconduct of a similar nature that resulted in your SPCM.