



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

██████████
Docket No. 10260-24
Ref: Signature Date

████████████████████
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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, considered your application on 21 January 2025. 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).

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case on the evidence of record.

You enlisted in the U.S. Marine Corps and began a period of active duty on 4 June 1981. On 27 January 1982, you requested a humanitarian transfer to ██████████, ██████████, to help care for your mother, which was approved. On 15 April 1982, you received your first nonjudicial punishment (NJP) for a five-day period of unauthorized absence. On 20 July 1982, you received a second NJP for two specifications of failing to obey lawful orders by failing report a motor vehicle accident in a timely manner and by operating a motor vehicle within 10 feet of a structure. On 14 February 1983, a medical board diagnosed you with migraine headaches, blackout spells, etiology uncertain, possibly second to migraine headaches, and seizure disorder, all of which did not exist prior to your entry into the service. You were placed

on limited duty for six months and found unfit to return to duty. The medical board also noted you were pending disciplinary/administrative involuntary separation action.

Unfortunately, the documents related to your administrative separation are not in your official military personnel file (OMPF). In this regard, 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. Your Certificate of Release or Discharge from Active Duty (DD Form 214), reveals that you were separated from the Marine Corps on 23 May 1983 with a General (Under Honorable Conditions) (GEN) characterization of service, your narrative reason for separation is “Misconduct – Commission of a Serious Offense,” and your reenlistment code is “RE-4.”

The Board carefully considered all potentially mitigating factors to determine whether the interest 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: (1) your discharge was due to your undiagnosed mental health condition, and (2) under the circumstances, you performed well during your service. Additionally, the Board noted you checked the “Other Mental Health” box on your application but chose not to respond to the 20 November 2024 letter from the Board requesting evidence in support of your claim. For purposes of clemency and equity consideration, the Board further noted you did not provide supporting documentation describing post-service accomplishments or advocacy letters¹.

After a thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined your misconduct, as evidenced by your NJPs, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and concluded that it showed a complete disregard for military authorities and regulations. Additionally, the Board determined that an Honorable discharge was appropriate only if the member’s service was otherwise so meritorious that any other characterization of service would be clearly inappropriate. The Board also noted you were provided several opportunities to correct your conduct deficiencies, but you continued to commit additional misconduct; which led to your GEN discharge. Therefore, the Board concluded that your discharge was proper and equitable under standards of law and discipline and that the discharge accurately reflects your conduct during your period of service. 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 is attached to all official records. Consequently, when

¹ Although section 19.a. of your application indicated you provided a “mental health record,” the Board found no evidence included with your application. Further, as noted previously, you did not respond to the Board’s subsequent request for supporting evidence.

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,

2/12/2025

