



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

[REDACTED]  
Docket No. 10681-24  
Ref: Signature Date

[REDACTED]  
[REDACTED]  
[REDACTED]

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.

Although you did not file your application in a timely manner, the Board waived the statute of limitation in the interest of justice. A three-member panel of the Board, sitting in executive session, considered your application on 30 April 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).

You enlisted in the Marine Corps and began a period of active duty on 31 January 2000. In July 2000, you were issued administrative counseling for breaking curfew, disobeying an order, and demonstrating lack of judgment and maturity. Subsequently, you received your first nonjudicial punishment (NJP), on 17 July 2000, for violations of Articles 86 and 92 of the Uniform Code of Military Justice (UCMJ), respectively, for an unauthorized absence (UA) and for breaking curfew.

You then failed your initial physical fitness test (PFT) and were counseled regarding your questionable dedication, enthusiasm, and motivation as well as your inability to comply with fitness standards due to an injury. This pattern continued and, in January 2001, you again failed your PFT. You were also absent from a company formation without authority and received additional corrective counseling to remedy your repeated substandard performance and your failure to follow orders and regulations. On 20 February 2001, you were subject to a second NJP for additional Article 86 and 92 violations, to include a UA from company formation and disobeying a base order by driving a vehicle without insurance. An evaluation report from the

Alcohol Treatment Facility (ATF), dated 6 March 2001, assessed you as being alcohol dependent and recommended that you attend intensive outpatient treatment. Additional administrative counseling documented your continued failure of the PFT and your issuance of a worthless check.

On 18 March 2001, you received a third NJP for multiple Article 92 violations in addition to Article 91 and Article 134 violations; specifically, you drank alcohol under the legal age, violated the liberty radius, used disrespectful language toward a corporal, and conducted yourself in a disorderly manner due to overindulgence in intoxicating beverages. Your fourth and final NJP, on 11 December 2001, was again for violations of Article 92 due to drinking underage in addition to operating a motor vehicle while intoxicated. A final ATF evaluation in June 2002 reconfirmed your alcohol dependence.

You were subsequently notified of processing for administrative separation by reason of misconduct due to your pattern of misconduct. You waived your right to a hearing before an administrative discharge board and your separation under Other Than Honorable (OTH) conditions was approved following legal review. You were so discharged on 9 August 2002.

You previously applied to the Naval Discharge Review Board (NDRB) for a documentary review; contending that your alcohol dependency should be considered mitigating and that factors of youth and immaturity had adversely impacted your ability to serve. The NDRB reviewed your request on 13 June 2008 and denied relief, noting that the evidence of record does not demonstrate that you were not responsible for your conduct.

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 contention that you are a better person now than you were back during your military service, you were addicted to alcohol, and this led to your misconduct and OTH discharge. Additionally, you checked the "Other Mental Health" box on your application but chose not to respond to the Board's request for supporting evidence of your claim. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted solely of your petition without any other additional documentation.

After thorough review, the Board concluded the potentially mitigating factors you submitted for consideration were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your NJPs and multiple counseling entries, outweighed the 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 OTH discharge. 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. The Board determined that the evidence of record did not demonstrate that you were not mentally responsible for your conduct or that you should not be held accountable for your actions.

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 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,

5/21/2025

