



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

Docket No. 10836-24  
Ref: Signature Date

Dear |

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. 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 application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 31 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).

You enlisted in the Marine Corps and commenced active duty on 19 April 1991. On 30 June 1992, you received non-judicial punishment (NJP) for disrespect to a Sergeant (Sgt) and disobeying a lawful order from a Sgt. Additionally, you were issued an administrative remarks (Page 11) counseling concerning deficiencies in your performance and/or conduct, specifically referenced were your failure to go to appointed place of duty, failure to act responsibly, frequent involvement of a discreditable nature with authorities, and your recent NJP. You were advised that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative discharge. You deployed to [REDACTED] from 14 December 1992 to 17 February 1993. On 1 October 1993, you commenced a period of unauthorized absence (UA) that ended in your surrender on 4 October 1993. On 3 November 1993, you received NJP for three days of UA and disrespect to a Staff Sgt (SSgt). On 10 February 1994, you received NJP for disrespect to a SSgt, willfully damaging government property, and drunk and disorderly conduct. On 20 April 1994, you were evaluated by a substance abuse counselor and determined to be alcohol dependent. On 24 May 1994, you were notified of pending

administrative separation processing with an Under Other Than Honorable conditions (OTH) discharge by reason of misconduct due to minor disciplinary infractions and pattern of misconduct. You elected to consult with legal counsel and subsequently waived your right to have your case heard by an administrative discharge board. The separation authority directed your discharge with an OTH characterization of service and you were so discharged on 21 July 1994.

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 characterization of service and contentions that the incident leading to your discharge was off-duty, you were not informed that your discharge would be OTH, you were unfairly targeted, you suffer from acoustic trauma and Post-Traumatic Stress Disorder from your time in ■■■■■, and you are need of Department of Veterans Affairs (VA) benefits. Additionally, the Board noted you checked the "PTSD," "Mental Health," and "TBI" boxes on your application but chose not to respond to the 1 November 2024 letters from the Board requesting evidence in support of your claim. For purposes of clemency and equity consideration, the Board noted you did not provide supporting documentation describing post-service accomplishments or advocacy letters.

After thorough review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your NJPs, 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 address your conduct issues but you continued 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. Further, the Board noted you provided no evidence, other than your personal statement, to substantiate your contentions. However, the Board observed that your misconduct began before you deployed to Somalia. 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 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,

2/26/2025

