



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

██████████
Docket No. 11192-24
Ref: Signature Date

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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 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 3 March 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 based on the evidence of record.

You enlisted in the U.S. Marine Corps and commenced a period of active duty on 24 September 1991. After a period of continuous Honorable service, you reenlisted for the final time on 10 August 1999. On 29 October 2003, a special court-martial (SPCM) found you guilty of wrongful larceny of government property and two specifications of wrongful disposal government property. You were sentenced to reduction in rank to E-1 and a Bad Conduct Discharge (BCD). Ultimately, on 27 January 2007, you were discharged with a BCD characterization of service.

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 requested discharge upgrade is not made to contest the original verdict but to reflect the balance between your years of Honorable service and the nature of your offense, (2) since your separation, you have remained a dedicated, law-abiding citizen, leading successful individuals and organizations while furthering your education, (3) your highly successful recruiting assignment and enduring commitment to the Marine Corps' Esprit de Corps—both during and after your service—demonstrate your continued adherence to its highest standards, (4) this request is submitted in recognition of your contributions and in the hope that your discharge will be reconsidered to more accurately reflect the quality of your career and character. For purposes of clemency and equity consideration, the Board considered the evidence you submitted in support of your application.

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 SPCM, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and concluded that it showed a complete disregard of military authority and regulations. Additionally, the Board noted that, at the time of your conviction, you were a senior non-commissioned officer, overseeing several Marines and serving as a leader within the department where the larceny occurred. Marines in leadership positions are held to the highest standards with significant responsibilities and expectations placed upon them. Given your position of authority and trust, the Board found your actions concerning, as they violated professional standards and created a breach of trust that likely negatively affected the good order and discipline of your command. Therefore, the Board determined 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.

While the Board carefully considered the evidence you submitted in mitigation, 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. Ultimately, the Board concluded the mitigating evidence you provided was insufficient to outweigh the seriousness of your misconduct. 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,

4/21/2025
