



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

██████████
Docket No. 11322-24
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to 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 27 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 23 March 1993. On 15 September 1994, you were issued administrative remarks (Page 11) counseling concerning deficiencies in your performance and/or conduct related to failure to provide proper safeguards for classified information. You were advised that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative discharge.

On 1 June 1995, you were again issued a Page 11 counseling concerning for insubordinate conduct towards a noncommissioned officer.

On 20 October 1995, you received non-judicial punishment (NJP), for disobeying a lawful order to have a clean shave upon reporting to work.

On 8 December 1995, you were again issued a Page 11 counseling for misconduct after having been apprehended by military police for failing to stop at a posted stop sign and driving with a suspended license.

On 3 April 1996, you were convicted at Special Court-Martial (SPCM), of violating Article 81 of the Uniform Code of Military Justice (UCMJ), by conspiring to commit larceny of a car stereo and car stereo equipment; violating Article 107 of the UCMJ by making a false official statement to a special agent; violating Article 109 of the UCMJ, by willfully and wrongfully damaging a 1991 Chevrolet truck; and Article 121 of the UCMJ, by committing larceny of a car stereo and car stereo equipment, the property of a fellow Marine. You were sentenced to forfeiture of \$560 pay per month for six months, reduction to paygrade E1, confinement for four months, and a Bad Conduct Discharge (BCD). Following completion of all levels of review, you were so discharged on 17 June 1997.

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 your contentions that the circumstances of your discharge do not reflect who you are today, you take full responsibility for your wrong choices and actions, you have worked hard to move past them, and you have taken concrete steps to better yourself. You state your current characterization has had a lasting impact on your life and you respectfully ask that it be re-evaluated in light of the steps you have taken to improve. You further state you were in a dark place after your injury; which led you to abuse your pain medications and mix them with alcohol. After separation, you committed yourself to being a better person, have raised two successful sons, have hidden your past from them so they wouldn't be ashamed of their father, and assert you were a foolish and impulsive young man. For purposes of clemency and equity consideration, the Board considered the documentation you provided in support of your application.

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 NJP and SPCM, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact that your SPCM conviction was for larceny from a fellow Marine. The Board found that such disregard for your fellow service member indicates you were of character unworthy of service in the Marine Corps. The Board also noted your additional minor misconduct, such as failure to follow traffic rules or maintain appropriate military appearance, suggested further disregard on your part for basic military expectations of good order and discipline. The Board observed that you were given an opportunity to correct your conduct deficiencies but chose to continue to commit misconduct, which led to your BCD.

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. While the Board carefully considered the evidence you submitted in mitigation and commends your post-discharge accomplishments, 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 mitigation 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 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

