



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

Docket No. 11868-24  
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 17 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).

You enlisted in the Marine Corps and commenced active duty on 12 October 1982. After a period of continuous Honorable service in which you twice reenlisted, you commenced a third period of active duty on 31 December 1991.

On 28 June 1993, you pleaded guilty at Special Court Martial (SPCM) to five specifications of conspiracy with another Marine to commit fraud against the United States by jointly preparing fraudulent temporary additional duty (TAD) orders and subsequently completing and submitting false travel claims on a fictitious TAD, nine specifications of forgery by falsely making the signature of another Marine with intent to defraud, and nine specifications of fraud against the United States by submitting false and fraudulent travel claims that you knew to be false and fraudulent, totaling four thousand, five hundred sixty-two dollars and fifty cents (\$4,562.50). You were sentenced to reduction in rank to E-1, forfeitures, confinement, and a Bad Conduct Discharge (BCD). Your confinement and forfeitures were suspended, per your pre-trial

agreement. Subsequently, the findings and sentence in your SPCM were affirmed and you were issued a BCD on 11 April 1995.

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 change your discharge characterization of service and your contentions that you made one mistake and have paid for it for a lifetime, your ten years of previous meritorious service were not considered, you paid restitution, and you had a successful career and raised a family post-discharge. For purposes of clemency and equity consideration, the Board noted you provided a screenshot of a social media page.

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 SPCM, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the likely negative impact your conduct had on the good order and discipline of your command. Additionally, there is no precedent within this Board's review, for minimizing the "one-time" isolated incident. As with each case before the Board, the seriousness of a single act must be judged on its own merit and it can neither be excused nor extenuated solely on its isolation. However, the Board also noted your SPCM charges and specifications spanned several months and reflected your deliberate decisions and repeated actions that conspired to commit and perpetrated frauds against the United States. Therefore, the Board was not persuaded by your argument that you made only one mistake. The Board further noted that you were a Sergeant (E-5) and acting Administrative Chief when you abused your position of trust for personal financial gain. Finally, the Board found no evidence that your previous period of continuous Honorable service were not considered prior to issuing you a BCD. The Board noted your conviction and sentence was exhaustively reviewed by all appellate and clemency authorities before being affirmed.

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, 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, \_\_\_\_\_

4/3/2025

