



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

██████████  
Docket No. 0546-25  
Ref: Signature Date

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██  
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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 12 May 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 this 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 were granted an enlistment waiver for marijuana use and speeding and enlisted in the U.S. Marine Corps Reserve (USMCR) in May 1985. On 15 December 1985, you extended your drill obligations to qualify for the Montgomery GI Bill under the Reserve Education Assistance Program Montgomery GI Bill. You received three nonjudicial punishments (NJPs), on 31 July 1986, 15 May 1988, and 10 September 1988, for disobeying lawful orders and failure to report to your appointment place of duty. You did not appeal any of these NJPs. Additionally, during your enlistment, you were counseled on multiple occasions for deficiencies in timeliness and conduct, including repeated tardiness to duty/drills, reduction in rank, failure to pay just debts, unsatisfactory performance, and absences from drill periods.

Consequently, you were notified that you were being recommended for administrative discharge from the Marine Corps for minor disciplinary infractions; at which time you elected your procedural rights to consult with counsel and requested to present your case to an administrative discharge board (ADB). On 16 October 1988, an ADB was convened and determined that a preponderance of the evidence supported a finding of misconduct for minor disciplinary infractions. The ADB recommended that you be separated from the Marine Corps with a General (Under Honorable Conditions) (GEN) characterization of service. Your commanding officer forwarded this recommendation to the separation authority (SA) concurring with the ADB's recommendation and adding, "[Petitioner] totally disregarded the efforts of his leaders and continues to be a liability. [Petitioner] is a threat to the good order and discipline expected of Marines, therefore, he has no mobilization potential and should be discharged from the Marine Corps." Ultimately, the separation authority approved the recommendation and you were so discharged on 22 February 1990.

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 Memos. These included, but were not limited to, your desire to upgrade your discharge and your contentions that you were overlooked at the time of your service based on psychological and physical conditions, you experienced persistent harassment during boot camp and while assigned to reserve duty stations, and there was a failure to provide appropriate support at your final duty station. Additionally, the Board noted you checked the "PTSD," "Other Mental Health," and "Sexual Assault/Harrassment" boxes on your application but chose not to respond to the 24 January 2025 letter from the Board requesting evidence in support of your claims. 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 NJPs, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and concluded that it 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. Finally, the Board determined that an Honorable discharge was appropriate only if the member's service was otherwise so meritorious that any other characterization of service would be clearly inappropriate; a standard the Board found was not met in your case. Therefore, the Board concluded 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 and commends you for 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 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,

5/27/2025

