



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

Docket No. 1179-25  
Ref: Signature Date

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 28 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 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 began a period of active duty on 26 August 1986. After a period of continuous Honorable service, you immediately reenlisted and commenced a second period of active duty on 9 August 1991. On 15 July 1993, you submitted a written request for separation in lieu of trial (SILT) by court-martial for larceny, in violation of Article 121, Uniform Code of Military Justice (UCMJ). Prior to submitting this request, you conferred with a military lawyer at which time you were advised of your rights and warned of the probable adverse consequences of accepting such a discharge. As part of this discharge request, you admitted your guilt to the foregoing offense and acknowledged that your characterization of service upon discharge would be under Other Than Honorable (OTH) conditions. The separation authority approved your request and directed your commanding officer to discharge you with an OTH characterization of service by reason of SILT. You were so discharged on 31 July 1993.

Post-discharge, you applied to the Naval Discharge Review Board (NDRB) for a discharge upgrade. The NDRB denied your request for an upgrade, on 16 May 2008, based on their determination that your discharge was proper as issued<sup>1</sup>.

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 character of service and contentions that: (1) you began experiencing marital problems which included your spouse fraudulently securing a line of credit in your name without your knowledge, (2) you regret your actions and attribute your momentary lapse in judgement as being a side effect of dealing with the financial and emotional strain caused by the passing of your mother, the dissolution of your marriage, your spouse's fraudulent actions, and the impact those debts may have had on your career in the Marine Corps, (3) you felt overwhelmed by your personal problems at the time, (4) you made the incorrect choice to not be concerned about your travel voucher in a misguided attempt to avoid creating additional problems for yourself as you were told to not worry about it, (5) a myriad of courts has recognized that veterans like yourself are improperly stigmatized and harmed by OTH discharges throughout their lives, (6) an OTH administrative discharge carries with it penalizing effects comparable to a Bad Conduct Discharge, and (7) you have been deprived of your honor and good name, which continues to cause you undue harm decades after your discharge. For purposes of clemency and equity consideration, the Board considered the totality of your application; which included your DD Form 149 and the evidence you provided in support of it.

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 SILT request, 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. The Board noted that the misconduct that led to your request to be discharged in lieu of trial by court-martial was substantial and determined that you already received a large measure of clemency when the convening authority agreed to administratively separate you in lieu of trial by court-martial; thereby sparing you the stigma of a court-martial conviction and possible punitive discharge. Additionally, the Board determined that characterization under OTH conditions is generally warranted for serious misconduct and is appropriate when the basis for separation is the commission of an act or acts constituting a significant departure from the conduct expected of a servicemember. The simple fact remains is that you presented a false and fraudulent voucher for dependent travel for payment with the intent of committing a larceny; an extremely serious offense involving a lack of integrity and harm against the government. Therefore, the Board concluded the record reflected that your misconduct was intentional and willful and demonstrated that you were unfit for further service. Moreover, the Board noted that the evidence of record did not demonstrate that you were not mentally responsible for your conduct or that you should not otherwise be held accountable for your actions.

---

<sup>1</sup> However, the NDRB noted your DD Form 214 did not annotate your period of continuous Honorable service and directed an administrative change. The Board was unable to locate a corrected DD Form 214 or a DD Form 215 in your record.

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 commends you for your post-discharge accomplishments and 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 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,

6/16/2025

