



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

██████████
Docket No. 1668-25
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 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 U.S. Marine Corps and began a period of active duty on 19 August 1987. On 28 November 1988, you were issued a counseling warning for writing worthless checks and failing to meet financial your responsibility. You were advised failure to take corrective action may result in administrative separation or judicial proceedings. On 19 June 1989, you were issued a second counseling warning for failure to pay just debts and lack of integrity. You were again advised failure to take corrective action may result in administrative separation. On 11 June 1990, you received non-judicial punishment (NJP) for using another Marines phone card without permission in the amount of \$1300.00 worth of overseas long-distance telephone calls.

On 27 August 1991, you were convicted by a special court-martial (SPCM) for making and uttering share drafts, with the intent to defraud, a total value of \$1240.00 and making and uttering share drafts, with the intent to defraud, a total value of \$1040.23. You were sentence to confinement, reduction in rank and a Bad Conduct Discharge (BCD). After completion all levels of review, you were so discharged on 31 August 1993

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 for a discharge upgrade to qualify for veterans' benefits and your contentions that you took your service very seriously, were a great Marine that married the wrong woman, your wife wrote hot checks and signed your name, and your commanding officer was not happy and gave you court-martial. You further contend that you were never in trouble when you were a Marine, you always did the right thing, and your decorations of your DD Form 214 show it. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted solely of your DD Form 149 without any other additional documentation.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your NJP, SPCM, and counselings, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and found that your conduct 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 BCD. 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. Further, contrary to your contentions that you were a great Marine, the Board observed that you were issued two counseling warnings regarding your financial responsibility, received a NJP for using another Marine's calling card, and were deployed in an unaccompanied status when the checks were cashed in ██████████. The Board noted you provided no evidence, other than your statement, to substantiate your contentions that you were not responsible for your misconduct and considered that you pleaded guilty to the offenses at your SPCM. Therefore, the Board was not persuaded by your contentions of innocence. Finally, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating veterans' benefits, or enhancing educational or employment opportunities.

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. 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. 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,

6/16/2025

