



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

██████████  
Docket No. 1936-25  
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 23 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 commenced active duty on 8 September 1980. On 26 March 1981, you were issued an administrative remarks (Page 11) counseling regarding your arrest by civilian authorities for possession of a controlled substance. On 9 June 1981, you were issued a Page 11 concerning deficiencies in your performance and/or conduct related to your possession of a hunting knife with a blade exceeding three inches. On 15 August 1983, you were issued a Page 11 for wrongful appropriation of a rental bicycle. On 10 November 1983, you received non-judicial punishment (NJP) for unlawful receipt of the property of a fellow Marine, which you knew to be stolen, making a false official statement, unlawfully concealing property you knew to be stolen, and conspiring with another to commit the offense of larceny.

On 10 September 1984, you were issued a Page 11 for disrespectful conduct toward a superior commissioned officer. Lastly, on 10 October 1984, 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 1,944 turbine vanes, the property of the United States, valued at \$541,933.45; violating Article 108 of the UCMJ by selling, without authority, the turbine vanes to a salvage company; and violating of Article 121 of the UCMJ, larceny by stealing the turbine vanes. You were sentenced to confinement at hard labor for six months, a \$2000.00 fine payable to the U.S. government, and a Bad Conduct Discharge (BCD). The findings and sentence of your trial were affirmed by the appellate court and you were so discharged on 30 October 1985.

Post-discharge, you applied to the Naval Discharge Review Board (NDRB) for a discharge upgrade. The NDRB denied your request for an upgrade on 24 August 1988, based on their determination that your discharge was proper as issued.

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 change your narrative reason for separation to "Secretarial Authority;" with corresponding changes your separation and reentry codes. You contend that you have worked tirelessly since discharge to improve yourself and your community, those around you respect and trust you, you are remorseful for your immature decision at age 22 that led to your separation, and you have matured immensely and improved yourself since those occurrences 38 years ago. You further state you have overcome your drug abuse issues, bettered yourself through education, are currently finishing your master's degree, and continue to serve and help your fellow veterans through your employment at Veterans' Affairs in Long Beach. For purposes of clemency and equity consideration, the Board considered the totality of your application; which included your petition, legal brief with exhibits, personal statement, a letter of recognition from your employer, and two advocacy letters.

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 found that your conduct showed a complete disregard for military authority and regulations. The Board observed you were given an opportunity 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, the Board noted the lack of trustworthiness and character your actions showed; particularly your willingness to steal from another Marine and the government.

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. Although the Board carefully considered the evidence you provided in mitigation and commends you on your post-service 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,

6/12/2025

