



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

2106-25

██████ Docket No.

Ref: Signature Date

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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 was insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Because your application was submitted with new evidence not previously considered, the Board found it in the interest of justice to review your application. A three-member panel of the Board, sitting in executive session, considered your request on 27 August 2025. The names and votes of the members of the panel 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.

You filed a prior application with this Board in 2010. The Board denied your requested discharge characterization relief by letter dated 10 August 2011 as follows:

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, conduct, contention of not being counseled to correct your deficiencies, and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant changing the characterization of your discharge, given your record of four NJP's for misconduct. You are advised that an RE-4 reentry code is required when an individual is discharged for misconduct and is not recommended for retention. There is evidence in your record which is contrary to your contention. Accordingly, your application has been denied.

The summary of your service remains substantially unchanged from that addressed in the Board's previous decision. Based on your current application, the Board determined it was

worth noting that, on 2 June 1993, you were reviewed by a Medical Evaluation Board (MEB) and referred to the Physical Evaluation Board (PEB) due to a wrist injury as a result of a motorcycle accident. On 9 August 1993, your commanding officer recommended that you be administratively separated due to misconduct. On 16 August 1993, you were notified of the initiation of administrative separation processing and your rights in connection therewith. You invoked your right to have your proposed administrative separation reviewed by an administrative board. On 16 September 1993, the President of the PEB informed the Commandant of the Marine Corps that the PEB found you to be unfit with a 20% rating and that you should be discharged with severance. However, after your administrative board recommended your discharge, you were ultimately separated for misconduct, on 10 February 1994, with an Other Than Honorable characterization of service.

In your current application, you request to have your discharge changed to a medical discharge. In support of your request, you contend that you were harassed while you were on active duty. In further support of your request, you assert that while you were on active duty you broke your wrist in a motorcycle accident and, thereafter, you were ignored, called a malingerer, and your request must have been denied. You provided the 2 June 1993 report of the MEB, which discusses your orthopedic condition relating to the nonunion of your scaphoid. In addition, you provided statements from service members from the time of your active duty discussing your performance.

The Board carefully reviewed your contentions and the material that you submitted in support of your request, and it disagreed with your rationale for relief. In reaching its decision, the Board observed that it applies a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. In your case, the Board considered your contentions and determined that the material and arguments you provided in support of your request were insufficient to overcome the presumption of regularity that the personnel who evaluated and processed your discharge for misconduct properly discharged their duties. In particular, the Board noted that you were in fact reviewed by a MEB and the PEB while you were in service and that you were found to be unfit at 20% and recommended to be discharged with severance as a result of that medical condition. The Board further noted, however, that separate from your evaluation through the Disability Evaluation System (DES), you also were processed through the disciplinary system as a result of your four non-judicial punishments. You exercised your right to an administrative board, which evaluated whether there was a basis for your administrative separation and, having determined there was such a basis, the administrative board recommended your characterization of service. Further, the Board observed that administrative separation for misconduct takes precedence over disability processing. Thus, in light of the foregoing, the Board could not find sufficient evidence of an error or injustice in your discharge from the Marine Corps. 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,

9/12/2025

