



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

██████████
Docket No. 2249-25
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 25 April 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).

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 enlisted in the U.S. Marine Corps Reserve, and you began a period of active duty service on 10 June 1991 at ████████████████████. Your pre-enlistment physical examination, on 26 December 1989, and self-reported medical history both noted no psychiatric or neurologic symptoms, conditions, or issues. After completing your initial active duty for the training period on 30 August 1991, you were released to your reserve unit.

On 24 April 1996, you entered another period of active duty with the Marine Corps.

On 6 April 1999, you received non-judicial punishment (NJP) for failing to obey a lawful general order. You did not appeal your NJP.

On 9 September 1999, your command issued you a "Page 11" counseling warning (Page 11) due to an alcohol-related incident. The Page 11 advised you that a failure to take corrective action may result in administrative separation or limitation on further service. You did not elect to submit a Page 11 rebuttal statement.

On 16 March 2000, you were convicted at a Summary Court-Martial (SCM) for making a false official statement. The SCM Officer sentenced you to a reduction in rank to Lance Corporal (E-3) and forfeitures of pay. On 28 March 2000, the Convening Authority approved the SCM sentence but suspended the forfeitures of pay.

On 24 April 2000, your command notified you of administrative separation proceedings by reason of misconduct due to a pattern of misconduct. You consulted with counsel and waived your rights to submit written rebuttal statements and to request an administrative separation board.

In the interim, on 16 May 2000, the Staff Judge Advocate (SJA) for the Separation Authority reviewed your SCM and disagreed with your allegations of error. The SJA concluded that no SCM corrective action was required.

Ultimately, on 7 August 2000, you were separated from the Marine Corps for misconduct with a General (Under Honorable Conditions) ("GEN") characterization of service and were assigned an RE-4 reentry code.

On 28 February 2008, the Naval Discharge Review Board (NDRB) denied your initial application for discharge upgrade relief. The NDRB concluded, contrary to your contention, your SCM was properly reviewed by a Judge Advocate on 16 May 2000; who determined that no corrective action was required.

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 and changes to your reason for separation and separation code. You contend that: (a) the delay for this request is due to the fact that you have felt slighted by the system during that time and again after your NDRB submission, (b) this is your final attempt to correct a period of your life and service that was taken from you by others who were attempting to use you to fill their own agenda and you did not cooperate with them as such, and (c) there were multiple evidentiary issues during your SCM where certain evidence was lost. For purposes of clemency and equity consideration, the Board considered the totality of the documentation you provided in support of your application.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. First and foremost, the Board unequivocally concluded that your administrative separation was legally and factually sufficient and that no error materially

prejudicial to your substantial rights was committed. The Board determined that you did not provide convincing evidence to substantiate or corroborate your evidentiary and factual sufficiency contentions regarding any missing evidence. Instead, the Board determined that you were found guilty of making a false official statement because you were indeed guilty, and the Board was not willing to re-litigate well-settled facts that are no longer in dispute from an SCM and administrative separation occurring over twenty-five (25) years ago. Additionally, the Board also determined that there was no credible evidence in the record regarding any command misconduct, improper motives, or abuses of discretion in the investigating, handling and processing of your misconduct and your subsequent administrative separation.

The Board did not believe that your record was otherwise so meritorious as to deserve a discharge upgrade, and a change to your separation code and narrative reason for separation. The Board concluded that significant negative aspects of your conduct and/or performance greatly outweighed any positive aspects of your military record. The Board determined that characterization under GEN or under Other Than Honorable conditions is generally warranted for 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 Marine. The Board determined that the record clearly reflected your misconduct was intentional and willful and indicated 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.

As a result, the Board determined that there was no impropriety or inequity in your discharge, and the Board concluded that your serious misconduct and disregard for good order and discipline clearly merited your discharge. While the Board 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 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,

4/30/2025
