



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

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Docket No. 2607-25
Ref: Signature Date

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Dear █:

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 20 June 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 service on 5 July 2005. Your pre-enlistment physical examination, on 30 December 2004, and self-reported medical history both noted no psychiatric or neurologic issues, conditions, or symptoms.

While still in your initial training pipeline, on 13 October 2005, you commenced a period of unauthorized absence (UA) that terminated on 13 March 2006.

On 25 April 2006, your command notified you of administrative separation proceedings by reason of misconduct due to the commission of a serious offense. You consulted with counsel and waived in writing your rights to submit statements and to request an administrative separation board.

In the interim, on 27 April 2006, you were convicted at a Summary Court-Martial (SCM) for your 151-day UA. The SCM sentenced you to forfeitures of pay and confinement for thirty (30) days. On 28 April 2006, the Convening Authority approved the SCM sentence as adjudged.

On 7 June 2006, the Staff Judge Advocate to the Separation Authority (SA) determined that your separation proceedings were legally and factually sufficient. On 9 June 2006, the SA approved and directed your discharge with an under Other Than Honorable conditions (OTH) characterization. Ultimately, on 9 June 2006, you were separated from the Marine Corps for misconduct with an OTH discharge characterization and were assigned an RE-4 reentry code.

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 contentions that: (a) at 18, you were emotionally unstable and unable to handle the trauma of witnessing a recruit commit suicide right in front of you on the day of boot camp graduation, (b) on top of that, you were dealing with serious family issues because your stepdad was a dangerous drug addict, and you feared he might harm or even kill your mom or siblings, (c) you received a letter during boot camp stating that he had threatened your mom with a knife by putting a knife on her throat, demanding she take him to a home where he gets his drugs, (d) before boot camp, you had protected your family since your stepdad lived elsewhere, (e) the suicide you witnessed made it even more apparent that staying in the Marine Corps might not be the right choice for you, (f) it has taken you many years of self-development and working through past traumas to better understand what your younger self was experiencing during that time of separation, (g) you now realize you were just a child dealing with many emotions and couldn't fully understand, (h) you didn't have people around you who could show you how to handle stress and trauma, and (i) now, as an adult with children, you have a deeper understanding of how difficult it is to navigate such experiences without guidance that goes beyond self-interest and focuses on true support and growth. You also checked the "PTSD" box on your application but chose not to respond to the Board's request for supporting evidence of your claim. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted solely of the personal statement you included with your DD Form 149 without any other additional documentation.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. The Board did not believe that your record was otherwise so meritorious as to deserve a discharge upgrade. The Board concluded that significant negative aspects of your conduct and/or performance greatly outweighed any positive aspects of your military record. The Board also noted that, although one's service is generally characterized at the time of discharge based on performance and conduct throughout the entire enlistment, the conduct or performance of duty reflected by only a single incident of misconduct may provide the underlying basis for discharge characterization. The Board determined that characterization under OTH 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 simple fact remains is that you left the Marine Corps while you were still contractually obligated to serve and you went into a UA status without any legal justification or excuse for 151 days. 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 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,

7/2/2025

