



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

██████████
Docket No. 2663-25
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 14 July 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 Marine Corps and commenced active duty on 9 April 1985. On 7 October 1986, you received non-judicial punishment (NJP) for possession of drug paraphernalia, having beer in a room, and willful spoilage of a pair of military trousers with shaving cream. You were additionally issued an administrative remarks (Page 11) counseling concerning deficiencies in your performance and/or conduct related to this NJP, and advised that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative discharge. On 20 January 1987, you received NJP for unauthorized absence (UA)—failure to go at the prescribed time to your appointed place of duty (the rifle range). You were again issued a Page 11, which specifically noted that you had received two NJPs in less

than seven months of service. Shortly thereafter, on 4 February 1987, you received a third Page 11 counseling for frequent involvement in questionable activities. On 20 April 1987, you received a fourth Page 11 counseling for selling and/or transferring large quantities of whiskey, a controlled item in ██████████, to a ██████████ national. Additionally, on 22 April 1987, you received NJP for an orders violation for selling two and a half gallons of ██████████ at ██████████ ██████████, ██████████, ██████████.

On 10 May 1987, you commenced a period of UA, ended by surrender on 19 May 1987. You then received NJP for this UA and were notified of intended administrative separation processing. You consulted with legal counsel and elected all rights available to you in the separation process, including the right to appear before an Administrative Discharge Board (ADB). However, the following day you commenced another period of UA that ended with your surrender on 23 June 1987. After your return, you were convicted at Summary Court-Martial (SCM) of the UA. You were sentenced to 30 days of confinement with hard labor.

On 16 July 1987, your ADB was appointed. However, on 4 August 1987, you requested a conditional waiver of your ADB, which was denied. On 7 August 1987, your ADB convened and found that you committed misconduct. The ADB recommended that you be discharged with an Under Other Than Honorable Conditions (OTH) characterization of service. The separation authority directed your discharge in concurrence with the ADB and you were so discharged on 23 October 1987.

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 and contentions that you were told you could request a discharge upgrade after six months, it has been over 30 years, no one explained anything to you when you were discharged, you never wanted to wait so long to request an upgrade, and you were in and out of prison, had an addiction, and several mental health problems that still need to be addressed. 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 your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your NJPs and SCM, 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 OTH discharge. 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. Specifically, the Board noted the negative impact of your many UAs likely had on the good order and discipline of your command. Since unexpectedly absenting yourself from your command places an undue burden on your chain of command and fellow service members, and negatively impacts mission accomplishment. 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,

7/24/2025

