



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

██████████
Docket No. 3147-25
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 19 August 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 and began a period of active duty on 22 September 1999. On 20 May 2002, you received non-judicial punishment (NJP), for five specifications of unauthorized absence (UA), failure to obey a lawful order, and two specifications of false official statement. You received your second NJP on 1 August 2002, for two specifications of UA, false official statement, failure to obey a lawful order, and altering your expired temporary base pass. Subsequently you were issued a counseling warning and recommended to follow all orders governing the good order and discipline. You were also ordered to follow up with the ██████████ Department of Motor Vehicle to confirm your driver's license status and take the

necessary steps to rectify that status. You were ordered upon completion of these tasks to ensure your vehicle is properly registered on base and is adorned with the appropriate base decal. You were advised further violations of the UCMJ will result in judicial or adverse administrative action, including but limited to administrative separation.

On 31 October 2002, you received your third NJP for two specifications of failure to obey a lawful order by wrongfully driving with a suspended driving privileges. Based on your failure to take corrective action from your previous counseling's, NJPs, and the plethora of formal platoon level counseling's in your counseling folder, you were notified of administrative separation processing for misconduct pattern of misconduct. After you waived your rights to an administrative board, the Commanding Officer (CO) made his recommendation to the Separation Authority (SA) that you be discharged with an Other Than Honorable (OTH) characterization. The SA accepted the recommendation and you were so discharged on 13 February 2003.

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 contention that you were wrongfully accused of a crime during your service, this prevented you from advancing in rank or fully participating in your MOS for nearly two years, the real perpetrator was eventually caught, but the accusations followed you to your next duty station and cast a shadow over your record. 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 of your DD Form 149 and the evidence you provided in support of your application.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your NJPs and multiple counselings, 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. Further, the Board noted that 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. Furthermore, the Board noted you provided no evidence, other than your statement, to substantiate your contentions. Regardless, the Board was unable to find a nexus between you being falsely accused of a crime and you driving a vehicle with an altered temporary pass, driving without a license after you were counseled to follow up with state authorities regarding your license, and providing false official statements to your chain of command. These offenses all involved some form of deceit and raised serious questions about your candor in this matter.

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 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,

8/26/2025

