



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

██████████
Docket No. 3386-25
Ref: Signature Date

██
██
██

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 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 27 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, 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).

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issue(s) 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 began a period of active duty on 23 July 1986. On 10 May 1988, you received nonjudicial punishment (NJP) for failure to obey a lawful order by having alcoholic beverages in the barracks. Between 31 October 1991 and 5 November 1991, you were counseled on two occasions for the following deficiencies: writing checks without sufficient funds, financial irresponsibility, failure to have a military identification card in your possession, unauthorized absence (UA), repeated counseling concerning performance of regular duties, and unreliability to be on time at your appointed place of duty. You were advised that failure to take corrective action could result in administrative separation.

On 17 March 1992, you received a second NJP for two instances of driving your POV with a suspended license, failing to maintain a registered vehicle, and making a false official statement. Consequently, you were counseled concerning your previous UCMJ violations resulting in NJP. You were advised that failure to take corrective action could result in administrative separation. On 21 April 1992, you were counseled concerning substandard personal appearance, poor attitude, and failing to maintain proper military clothing IAW USMC regulations. You were advised that failure to take corrective action could result in administrative separation.

On 23 April 1992, you received a third NJP for a period of UA from appointed place of duty. On the same date, the suspended portion of your previous NJP, imposed on 17 March 1992, was vacated. Subsequently, you were counseled concerning your absence from appointed place of duty and advised that failure to take corrective action may result in administrative separation. On 20 May 1992, you were apprehended by civil authorities as a result of writing two dishonored checks. On 27 May 1992, you were convicted and sentenced to a period of civilian confinement.

Consequently, you were notified of the initiation of administrative separation proceedings by reason of misconduct due to civilian conviction. You decided to waive your procedural rights and your commanding officer recommended an Other Than Honorable (OTH) discharge characterization of service. On 27 July 1992, you were released from civilian confinement and commenced a period of UA which lasted 29 days. Ultimately, the separation authority approved the recommendation and you were so discharged on 2 September 1992.

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 you would like to apply for Department of Veterans Affairs benefits. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted solely of your DD Form 149 and DD Form 214 without any other additional documentation.

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 civil conviction, 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. Further, the Board considered the likely discrediting effect your civilian misconduct had on the Marine Corps. 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 the 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,

7/15/2025

