



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

██████████
Docket No. 3418-25
Ref: Signature Date

████████████████████
████████████████████
████████████████████

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 2 May 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 originally enlisted in the U.S. Marine Corps and began a period of active duty service on 28 June 1982. Your enlistment physical examination, on 28 June 1982, and self-reported medical history both noted no psychiatric or neurologic issues, symptoms, history, or counseling. You reenlisted on 4 March 1985.

On 9 April 1985, your command issued you a counselling sheet noting your responsibility to report to your appointed place of duty on time. The counselling sheet advised you that any further disciplinary infractions or continuation of deficient performance may result in disciplinary action and/or in processing for administrative discharge.

On 10 April 1985, your command issued you a "Page 11" retention warning (Page 11) documenting your tendency of habitually not being at your appointed place of duty as ordered by

your superiors. The Page 11 advised you that a failure to take corrective action would impact on future assignments, proficiency and conduct marking, administrative separation or judicial punishment.

On 25 July 1985, you received non-judicial punishment (NJP) for unauthorized absence (UA). You did not appeal your NJP. On 29 August 1985, you again received NJP for UA. You did not appeal your NJP.

Between 17 September and 27 October 1985, you attended alcohol rehabilitation treatment in Millington, Tennessee. On 2 December 1985, you were arrested by civilian authorities in Spokane, Washington and charged with two (2) counts of simple assault against family members. You appeared before a District Court Judge, on 3 December 1985, and pleaded guilty to the charges. The Court sentenced you to 180 days in jail, with a large portion of it being suspended, and the Court placed you on one (1) year of unsupervised probation in the State of Washington. This alcohol-related incident occurred during your six-month probationary period following alcohol rehabilitation treatment.

On 10 January 1986, you received a DUI in ██████████. On 27 July 1986, your command issued you a Page 11 documenting that a Medical Officer diagnosed you as dependent on alcohol.

On 1 August 1986, you received NJP for another UA when you failed to be at morning formation. You did not appeal your NJP.

On 4 August 1986, your command issued you a Page 11 documenting pattern of alcohol abuse with a detailed chronology of your alcohol-related issues, treatment, and misconduct.

Your command subsequently notified you that you were being processed for an administrative discharge by reason of misconduct due to a pattern of misconduct. You waived your right to request an administrative separation board. Ultimately, in November 1986, you were separated from the Marine Corps for misconduct with an under Other Than Honorable conditions (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) your service to your country and your Corps were outstanding as per your evaluations, (b) the Marine Corps is an outstanding branch of service, and this seems to be more the case during conflict, and not during peace time, and (c) you asked several senior enlisted personnel what the most harmless way was to get out of the service and they all said to be late to formation three (3) times in a row, and that is exactly what you did. For purposes of clemency and equity consideration, the Board considered the totality of the evidence you provided in support of your application; which consisted of solely the information you provided on your DD Form 149 without any additional documentation for the Board's consideration.

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 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 Board determined that the record clearly reflected your misconduct was intentional 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. Finally, 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.

As a result, the Board determined that there was no impropriety or inequity in your discharge, and the Board concluded that your cumulative 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 by a majority vote 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,

5/15/2025

