



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

██████████
Docket No. 3444-25
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 10 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 on 28 August 1978. On 12 October 1978, you received non-judicial punishment (NJP) for assault of another Marine. You received your second NJP, on 5 January 1979, for three specifications of failure to obey a lawful order and disrespectful language to a superior. You were subsequently counseled by your commanding officer (CO) for your negative attitude and abrasive communication. You appealed your NJP and, on 1 February 1979, the finding of guilty to disrespect was overturned and your punishment was reassessed. On 9 August 1979, you received your third NJP for failure to go to your appointed place of duty, disobey a lawful order, two specifications for disrespect towards a superior, 12 hours unauthorized absence (UA), and assault of another Marine. You then received your fourth NJP for failure to obey a lawful order and wrongfully use provoking words towards a superior.

On 24 April 1980, you were convicted by a summary court-martial (SCM) for failure to go to appointed place of duty, two specifications of willfully disobeying a lawful order, and disrespect towards a superior. You were sentenced to reduction in rank, forfeiture and restriction. On 12 June 1980, you were convicted at a second SCM for disrespectful language to a superior.

Consequently, you were notified of administrative separation processing for frequent involvement and elected an administrative discharge board (ADB); which met on 26 November 1980. The ADB found misconduct and recommended your discharge with General (Under Honorable Conditions) (GEN). Your CO forwarded the ADB's recommendation to the Separation Authority (SA). On 9 January 1981, the Staff Judge Advocate disagreed with the recommendation and recommended that you be retained in order not to reward your behavior. The SA agreed and directed retention.

On 13 February 1981, you were convicted by a special court-martial (SPCM) for three specifications of failure to obey a lawful order and disrespectful language to a superior. You were sentenced to forfeiture of pay, confinement and Bad Conduct Discharge (BCD). On 30 June 1981, you were placed on appellate leave. On 16 November 1981, you were apprehended at ██████████ attempting to sell alleged drugs and your appellate leave was terminated. You then began a period of UA on 24 November 1981. Your period of UA ended on 24 August 1982 when you were apprehended for fraudulent use of a credit card. You then began another period of UA, on 25 August 1982, that again ended when you were apprehended on 11 March 1983. On 29 April 1983, you were placed on involuntary leave awaiting appellate review of your court-martial sentence. After completion all levels of review, you were discharged with a BCD on 27 March 1984.

Post-discharge, you applied to the Naval Discharge Review Board (NDRB) for relief. The NDRB denied your request, on 24 February 1987, after determining your discharge was proper as issued.

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 the chronology of events regarding your alleged reenlistment, Honorable discharge, and voiding of your enlistment. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted of your DD Form 149, personal statement via email, and DD Form 214.

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 four NJP's, two SCM's and SPCM, 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 BCD. 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.

The Board agreed with the court-martial that your conduct warranted a BCD based on the severity of your misconduct and the fact you had a history of offenses that supported your punitive separation from the Marine Corps. Finally, the Board noted you provided no evidence, other than your statement, to substantiate your contentions. Therefore, the Board concluded you provided insufficient evidence to overcome the presumption of regularity in your case.

Ultimately, the Board determined you were fortunate not have been subject to another court-martial and further confinement for your post-conviction misconduct. Thus, the Board concluded you already received a large measure of clemency from the Marine Corps.

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,

6/27/2025

