



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

██████████  
Docket No. 3446-25  
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 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).

You enlisted in the U.S. Marine Corps and began a period of active duty on 13 November 1997. On 18 June 1998, you were issued a counseling warning due to poor judgement by being in an unauthorized absence (UA) status for school on several occasions and failing to complete your homework assignments, which contributed to several test failures. You were further advised that any further violations of the UCMJ will result in disciplinary action, administrative separation or limitation on further service. You were issued a second counseling warning, on 6 August 1998, for being UA from school retest and disobeying a lawful order. You were again advised that any further violations of the UCMJ will result in disciplinary action, administrative separation or limitation on further service. On 1 September 1998, you were issued your third counseling warning after being dropped from school. You were advised failure to take corrective action during your next course of instruction may result in administrative separation or limitation of further service.

On 16 February 1999, you received your fourth counseling warning for failure to obey a lawful order. On 18 February 1999, you received non-judicial punishment (NJP) for failure to go to your appointed place of duty, failure to obey a lawful order, and make a false official statement. Subsequently, you were issued another counseling warning, on 22 February 1999, concerning the commanding officer (CO) intent to submit you for administrative discharge as a result of being diagnosed with adjustment disorder and further advised that you will be held accountable for your actions while awaiting such discharge. On 9 March 1999, you received your second NJP for two specifications for failure to go to restricted muster. Prior to discharge you were issued your last counseling warning for failure to go to restriction muster.

Unfortunately, some documents pertinent to your administrative separation are not in your official military personnel file (OMPF). Notwithstanding, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. Your Certificate of Release or Discharge from Active Duty (DD Form 214) reveals that you were separated from the Marine Corps, on 7 April 1999, with an Other Than Honorable (OTH) characterization of service, your narrative reason for separation is "Misconduct (Minor Disciplinary Infractions)," and your reenlistment code is "RE-4."<sup>1</sup>

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 struggled to adapt to the military environment, this resulted in actions such as going out of bounds and returning late for formation, these mistakes culminated in a page 11 counseling and the unfortunate loss of a recommendation for promotion from corporal to sergeant, and the loss of the recommendation deeply affected you. You also checked the "PTSD" box on your application but did not 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 solely of what you stated 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. Specifically, the Board determined that your misconduct, as evidenced by your two NJPs and six counseling warnings, 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. Finally, the Board noted that you did not provide any evidence, other than your statement, to support your contentions.

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

---

<sup>1</sup> Your separation code on your DD Form 214 is illegible.

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,

8/25/2025

