



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

██████████  
Docket No. 3878-25  
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.

Because your application was submitted with new evidence not previously considered, the Board found it in the interest of justice to review your application. A three-member panel of the Board, sitting in executive session on 18 April 2025, has carefully examined your current request. 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).

On 30 June 1999, this Board denied your initial request for a discharge upgrade. On 11 September 1992, the Naval Discharge Review Board granted you an upgrade to General (Under Honorable Conditions). On 18 October 2024, the Board denied your second discharge upgrade request. The summary of your service remains substantially unchanged from that addressed in the Board's previous decision.

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 change your basis for separation. You contend that: (a) your service history certainly outweighed any negative

connotations surrounding minor misconduct, (b) the misconduct leading to your separation was minor in nature, (c) you were charged with two unauthorized absences (UA) and entering the barracks through the fire exit; which you were ordered not to do, (d) your misconduct was infrequent and you received three NJPs; two while in Okinawa and a third after being reassigned, (e) the context of such punishments calls their reliability into question; especially in light of you reaching out for help from your Congressman in resolving issues with your commander, (f) however, even if taken as true, such NJPs were the only instances of misconduct in your 32 years of service, (g) allowing your character to continue to be described as less than "Honorable" is an injustice that the Wilkie memo has empowered this board to correct, (h) since your separation from the Marine Corps, you have served honorably in the U.S. Border Patrol, the U.S. Army National Guard of ██████████, and the U.S. Army, (i) after enlisting, you rose through the ranks, eventually accepting a commission as a warrant officer and earning additional promotions to ██████████ and (j) you received so many awards and accolades that your retirement DD 214 required additional pages to contain them all. 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 virtually the same submission as your previous 2024 petition, with limited minor exceptions, and also included multiple new advocacy and/or character reference letters written on your behalf.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant any relief. The Board did not believe that your record was otherwise so meritorious as to deserve a discharge upgrade or to require a change to your reason for separation. The Board concluded that significant negative aspects of your conduct and/or performance greatly outweighed any positive aspects of your military record.<sup>1</sup> The Board determined that characterization under GEN or Other Than Honorable 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.

This Board<sup>2</sup> determined that you were fortunate to have received a generous upgrade to GEN back in 1992 and unequivocally concluded that no further upgrade was warranted despite you having continued to serve in the U.S. Armed Forces. The Board determined that the record clearly reflected your cumulative<sup>3</sup> Marine Corps misconduct was intentional and willful and indicated you were unfit for further service in the Marines. 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.

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<sup>1</sup> The Board noted that this is precisely that standard to consider for the issuance of a GEN discharge characterization in the MILPERSMAN: A "General (Under Honorable Conditions)" is appropriate if the member's service has been honest and faithful but significant negative aspects of the member's conduct or performance outweighs positive aspects of the member's military record - or words to that effect.

<sup>2</sup> This Board consisted of three (3) entirely different members than the panel that adjudicated your petition in October 2024.

<sup>3</sup> This Board noted that your Marine Corps record was marred by: (a) three (3) non-judicial punishments; one of which required to you serve time in the Correctional Custody Unit for approximately thirty (30) days, (b) no less than five (5) Page 11 counseling warnings, and (c) a vacated and enforced NJP sentence due to your continued misconduct.

As a result, the Board determined that there was no impropriety or inequity in your discharge. The Board sincerely appreciates and respects your post-Marine Corps service to your country; however, the Board unequivocally concluded that your cumulative USMC misconduct and your willful and persistent disregard for good order and discipline while in the Marine Corps clearly merited your less than fully Honorable discharge and no higher. While the Board carefully considered the evidence you submitted in mitigation and commends you for your post-Marine Corps rehabilitation of your character, 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. Ultimately, the Board concluded the mitigation evidence you provided was insufficient to outweigh the seriousness of your cumulative Marine Corps misconduct. 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,

4/29/2025

