



treatment by not properly helping you, the lack of help forced you to leave without authorization in an effort to fully heal from the cyst, you returned as soon as your cyst healed, your negative characterization of service has robbed you of your good name, and you were told by your counsel that your characterization of service would be upgraded if you “kept [your] nose clean.” Additionally, you requested the board consider your youth, the passage of time since your misconduct, and your regret for your actions. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted of your DD Form 149, your statement, the advocacy letters, and the active-duty medical and service records you provided.

After thorough review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your non-judicial punishments and separation in lieu of trial by court-martial, 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. The Board also noted that the misconduct that led to your request to be discharged in lieu of trial by court-martial was substantial and determined that you already received a large measure of clemency when the convening authority agreed to administratively separate you in lieu of trial by court-martial; thereby sparing you the stigma of a court-martial conviction and possible punitive discharge.

Additionally, the Board was not persuaded by your contention that you were denied proper medical care. In reviewing your record, the Board noted that between 27 May 1982 and the 7 March 1984, the commencement of your final one hundred ninety-two-day period of UA, you were treated extensively and placed in a light duty status for a pilonidal cyst that existed prior to entry. The Board further noted that in your previous applications to this Board and the Naval Discharge Review Board (NDRB), you contended that you went UA to seek civilian medical treatment “and he corrected the problem in about six months.” However, you did not provide evidence of that treatment. Finally, the Board noted that there is no provision of federal law or Marine Corps regulations that allows for a discharge to be automatically upgraded after a period of time and you did not provide evidence, other than your contention, that you had been advised otherwise.

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. While the Board carefully considered the evidence you submitted in mitigation, 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 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,

12/30/2025

