




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

 T
 Docket No. 4210-25
 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 21 July 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 Marine Corps and commenced active duty on 2 April 1982. On 8 December 1982, you were placed in a weight control program. Your recorded weight was 221 pounds and you were assigned a goal weight of 205 pounds by the date of 8 May 1983. On 22 April 1983, you were issued an administrative remarks (Page 11) counseling concerning your unsatisfactory progress in the weight control program. Subsequently, on 1 June 1983, you received a second Page 11 indicating you were eligible, but not recommended for, promotion due to lack of progress in the weight control program.

On 28 June 1983, you received non-judicial punishment (NJP) for use of disrespectful language towards toward two Lance Corporals; both of whom were acting in execution of office.

Consequently, on 19 July 1983, you were notified of administrative separation by reason of Convenience of the Government, due to a physical condition not of a disabling nature (your weight). You consulted with legal counsel and waived all rights available to you but for the right

to obtain copies of documents used in the separation process. Your Commanding Officer recommended your discharge in accordance with the separation process. In the meantime, on 29 July 1983, you received NJP for willfully disobeying a lawful order concerning liberty, using disrespectful language toward a Gunnery Sergeant, and communicating a threat to a Staff Sergeant. On 8 September 1983, a medical review determined your weight issue was not the result of an underlying medical condition. Ultimately, your Commanding General approved your discharge with a General (Under Honorable Conditions) (GEN) and you were so discharged on 7 October 1983.

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 to upgrade your discharge characterization of service and your contention that you were given a GEN discharge because of your weight, you were not given enough time to lose weight, society looks at weight issues differently now, and you would have been given more time to lose weight prior to being separated. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted solely of your DD Form 149 without any other additional documentation.

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 two NJPs, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and negative impact your disrespectful treatment of fellow Marines likely had on good order and discipline at your command. Further, the Board observed that you continued to commit misconduct during your administrative separation process. The Board found that your conduct showed a complete disregard for military authority and regulations. Contrary to your contention that you were issued a GEN based solely on your weight control issues, the Board determined your record of misconduct factored into your assigned characterization of service. In the end, the Board determined you already received a large measure of clemency when the Marine Corps chose to process you only for your weight issues and did not add your misconduct as a separate basis for separation.

The Board also was not persuaded by your arguments that you were not given sufficient time to meet your weight loss goal. The Board observed that you were given approximately six months to meet your goal weight, which amounted to 2.6 pounds a month, and failed to make any progress. In fact, as pointed out by your commanding officer, you actually gained weight during this period. Thus, the Board opined you were given sufficient time to meet your weight goals, particularly since your weight was found not to result from a medical condition, and additional time would not have benefited you based on your lack of progress.

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,

8/7/2025

