



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE RD  
ARLINGTON, VA 22204

██████████  
Docket No. 4619-25  
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER ██████████  
██████████ USMC

Ref: (a) 10 U.S.C. § 1552  
(b) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 w/ enclosures

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board) requesting that his discharge be upgraded and that he be provided a copy of his discharge records and previous Honorable discharges. Enclosure (1) applies.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 20 February 202 and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, applicable statutes, regulations, and policies, to include reference (b).

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. Although Petitioner's 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 the case on its merits.

b. Petitioner enlisted in the Marine Corps and began a period of active duty on 11 June 1996. After a period of continuous Honorable service, Petitioner immediately reenlisted and commenced his final period of active duty on 23 August 2005. He received his second Good Conduct award shortly thereafter on 1 November 2005.

c. On 28 November 2006, Petitioner was issued administrative counseling documenting an integrity violation after knowingly allowing a false score to be entered for his physical fitness test (PFT). He submitted a statement in rebuttal explaining the circumstances of the incident as attributable to another Marine.

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d. On 17 July 2007, Petitioner was again administratively counseled for disrespect toward a superior commissioned officer. Specifically, he used trite language and insolent gestures when answering a question from his executive officer.

e. On 20 September 2007, Petitioner was counseled for an unauthorized absence of one hour, for which he received nonjudicial punishment (NJP), on 24 September 2007, due to violating Article 86, Uniform Code of Military Justice (UCMJ).

f. On 2 October 2007, Petitioner received a second NJP for additional UCMJ violations of Article 134, for an inappropriate relationship with a woman other than his spouse, Article 117, for provoking speeches or gestures, and Article 91, for insubordinate conduct toward a noncommissioned officer.

g. Consequently, Petitioner was notified of processing for administrative separation by reason of misconduct due to a pattern of misconduct and elected to waive his right to a hearing before an administrative board.

h. Petitioner's commanding officer forwarded a recommendation for that Petitioner be discharged under Other Than Honorable (OTH) conditions. The recommendation was approved and Petitioner was so discharged on 1 January 2008. At the time of his discharge, Petitioner was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) that did not annotate his period of continuous Honorable service from 11 June 1996 to 22 August 2005.

i. Petitioner contends that his OTH discharge limits his dealings with the Department of Veterans Affairs and his everyday life. He believes that he should have at least two Honorable discharges. Petitioner did not submit any supporting documents.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concluded that Petitioner's request warrants partial relief. Specifically, as previously discussed, Petitioner's DD Form 214 does not annotate his period of continuous Honorable service and requires correction.

Notwithstanding the recommended corrective action below, the Board determined Petitioner's assigned characterization of service for his last enlistment period remains appropriate.

The Board initially concluded Petitioner was appropriately processed for administrative separation based on his record of misconduct. While the Board carefully considered Petitioner's contention for mitigation, the Board noted he did not deny committing the misconduct that formed the basis of his administrative separation and OTH discharge. Therefore, the Board determined the presumption of regularity applies to Petitioner's administrative separation and no error exists with his record.

The Board also considered the totality of the circumstances to determine whether equitable relief was warranted in the interests of justice in accordance with the Wilkie Memo. In this regard, the Board considered, amongst other factors, Petitioner's desire for a upgrade to his characterization

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of service, his contentions, the totality of his service, his need for veterans' benefits, the non-violent nature of his misconduct, the negative effect Petitioner's discharge has had on his life, and the passage of time since your discharge.

The Board found that the mitigating factors were not nearly sufficient to justify any equitable relief. Specifically, the Board found that the severity of Petitioner's misconduct far outweighed all of the mitigating factors combined. In particular, the Board found that Petitioner's conduct showed a complete disregard for military authority and regulations. The Board observed he was given multiple opportunities to correct his conduct deficiencies but chose to continue to commit misconduct, which led to his OTH discharge. Petitioner's conduct not only showed a pattern of misconduct but was sufficiently pervasive and serious to negatively affect the good order and discipline of his command. Finally, the Board believed that it would be unjust to characterize your less than honorable service in the same manner as the service of the thousands of service members who, unlike Petitioner, honorably completed their enlistments without engaging in misconduct warranting the early curtailment of their service. Therefore, the Board did not find an upgrade of Petitioner discharge to General (Under Honorable Conditions) or Honorable to be warranted in the interests of justice.

With respect to Petitioner's request for his previous discharge record(s), the Board noted that Petitioner should direct his request to Headquarters, U.S. Marine Corps.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

That Petitioner be issued a Correction to Certificate of Release or Discharge from Active Duty (DD Form 215), for the period ending 1 January 2008, correcting his block 18 remarks to include:

“CONTINUOUS HONORABLE SERVICE FROM 11JUN1996 TO 23AUG2005.”

That no further changes be made to Petitioner's record.

A copy of this report of proceedings be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above-entitled matter.
5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing

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corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

3/19/2026

