



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

██████████
Docket No. 4955-25
Ref: Signature Date

████████████████████
████████████████████████████████
██
██
████████████████████████████

Dear ██████████

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 27 February 2026. 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).

The following is the relevant factual background of your case based upon review of your naval record and/or the matters provided with your application:

1. You enlisted in the U.S. Marine Corps and began a period of active duty service on 23 April 1990. Your enlistment physical examination, on 10 March 1990, and self-reported medical history both noted no psychiatric or neurologic conditions or symptoms.
2. On 18 April 1991 your command added a "Page 11" counseling entry (Page 11) in your service record, documenting your DUI and speeding. The Page 11 expressly advised you that a failure to take corrective action may result in administrative separation or judicial proceedings.
3. On 14 February 1994, you were convicted at a General Court-Martial (GCM) of: (a) conspiracy to commit larceny, (b) operating a motor vehicle while drunk, (c) six separate

specifications of larceny, (d) obtaining services under false pretenses, (e) forgery, (f) obstruction of justice, and (g) knowingly concealing stolen property. The Military Judge adjudged the following sentence: (a) confinement for seven years, (b) a reduction in rank from to the lowest enlisted paygrade (E-1), (c) total forfeitures of all pay and allowances, and (d) to be discharged from the Marine Corps with a Dishonorable Discharge (DD).

4. On 6 January 1995, the Convening Authority (CA) approved the GCM sentence as adjudged. However, upon appellate review, the U.S. Navy-Marine Corps Court of Criminal Appeals (NMCCA) set aside the CA's action and returned the record for proper service of the Staff Judge Advocate's recommendation (SJAR) on you for your review.

5. Following the NMCCA remand, a new SJAR was properly served on your substitute defense counsel. Both you and your substitute defense counsel responded to the SJAR and/or submitted clemency material to the new CA. Prior to taking action on the GCM findings and sentence, the new CA considered the SJAR, your clemency material, and the comments submitted by the substitute defense counsel. The new CA granted you partial clemency on the adjudged sentence and suspended any confinement in excess of five years, but made no other modifications to the original GCM sentence or findings.

6. On 8 April 1997, the NMCCA affirmed the GCM findings of guilty and the sentence, as approved on review below. The NMCCA held that the GCM findings and sentence were legally and factually correct and specifically held that the GCM sentence was appropriate.

7. On 26 September 1997 the U.S. Court of Appeals for the Armed Forces denied your petition for a grant of review. Upon the completion of GCM appellate review in your case, on 10 November 1997, you were discharged from the Marine Corps with a DD and assigned an RE-4 reentry code.

After careful review, the Board reached the following conclusions and denied your application for relief.

The Board initially concluded you were appropriately discharged with a DD based on your GCM conviction and sentence. While the Board carefully considered your contention for mitigation and error in the post-trial processing of your conviction, the Board noted you did not deny committing the misconduct. Therefore, the Board determined the presumption of regularity applies to the finding that you committed the misconduct that formed the basis of your conviction, your case received the proper appellate review, and no error exists with your punitive discharge.

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, your contentions, the totality of your service, your relative youth and immaturity at the time of your misconduct, the negative effect your discharge has had on your life, your rehabilitation efforts, your post-service record of accomplishments, your candor and remorse, the harshness of your punishment, your contentions of inequity related to your court-martial processing and lack of access to the records, 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 your misconduct far outweighed all of the mitigating factors combined. In particular, the Board found that your conduct showed a complete disregard for military authority and regulations. 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 was not persuaded by your argument that you suffered from an incurable error during the GCM post-trial processing. The NMCCA concluded in May 1996 that you had indeed established a colorable claim of prejudice resulting from the Government's failure to serve you with a copy of the SJAR. However, the court concluded any such errors were resolved and "cured" with a new CA reviewing your GCM case after you were properly served with an SJAR and provided an opportunity to submit certain clemency matters. In addition, the Board noted that the new CA provided you with some relief to your GCM sentence, and that upon review, the NMCCA in April 1997 held that your guilty findings were legally and factually correct, and that the revised GCM sentence was appropriate.¹ Thus, the Board determined that your arguments related to the lack of a complete GCM RoT to be unpersuasive. 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 you, honorably completed their enlistments without engaging in misconduct warranting the early curtailment of their service. Therefore, the Board did not find an upgrade of your discharge to General (Under Honorable Conditions) or Honorable to be warranted in the interests of justice. While the Board commends you for your post-service good character and rehabilitation, 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,

3/5/2026

¹ The Board noted that the Uniform Code of Military Justice states that during the appellate review process, the appellate court may affirm only such findings of guilty and the sentence or such part or amount of the sentence as it finds correct in law and fact and determines, on the basis of the entire record, should be approved. In other words, the appellate court has a duty to conduct a legal and factual sufficiency review of the case.