



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

██████████  
Docket No. 5229-25

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.

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 1 December 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 entered active duty with the Marine Corps on 25 September 1989. On 4 April 1990, you were formerly counseled on being absent from appointed place of duty. On 4 June 1990, you were formerly counseled on your attitude and failure to follow orders from your superiors. On 23 July 1990, you received non-judicial punishment (NJP) for being in an unauthorized absence (UA) status for two hours and 30 minutes. On 11 December 1990, you were counseled on your financial irresponsibility. On 29 April 1991, you were formerly counseled on your frequent involvement with military authorities. On 9 May 1991, you received NJP for operating a vehicle while drunk and two specifications of disrespect toward a non-commissioned officer (NCO). On 16 August 1991, you received NJP for and orders violation for wearing an earring while on liberty. Consequently, you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct. You elected to consult with legal counsel and requested an administrative discharge board (ADB). The ADB found that you committed misconduct due to a pattern of misconduct and recommended you be discharged with a General (Under Honorable Conditions) (GEN) characterization of service.

The separation authority concurred with the ADB and directed your discharge by reason of misconduct due to a pattern of misconduct. However, in the meantime, you commenced on two periods of UA that lasted 870 days. Upon your return, on 14 July 1994, a general court-martial (GCM) convicted you of three specifications to conspire with another Marine to commit forgery on a lost or stolen military ID, conspiring to wrongfully obtain and use a false military ID, two specifications of UA totaling 870 days, escaping from confinement, signing a lost or stolen military ID, larceny of a bottle of alcohol, 23 specifications of intent to defraud by writing and signing stolen checks belonging to another marine, wrongfully and falsely making and using a false military ID card, operating a vehicle in a reckless manner by speeding, larceny of merchandise belonging to another Marine valued at \$523.88, larceny of rental truck, larceny of a plane ticket valued at \$703.00, larceny of a motor vehicle from Thrifty Car Rental, larceny of a washer, dryer and a refrigerator, and larceny of a dog, a ring, and other items belonging to another Marine. You were sentenced to confinement for nine years, forfeiture of all pay and allowances, and a Dishonorable Discharge (DD). Upon completion of appellate review, you were so discharged on 29 November 1996.

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 and contentions that you were suffering from mental health issues at the time of your court-martial, you were chemically dependent on alcohol, you are suffering from post-traumatic stress disorder (PTSD) that resulted from attending Boot Camp and serving in the Marine Corps, and you are seeking Department of Veterans Affairs benefits. The Board also noted you checked the "PTSD" and "Other Mental Health" boxes on your application but did not respond to the Board's request for supporting evidence. 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 these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your NJPs and GCM, outweighed the mitigating evidence in your case. 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 that you were given multiple opportunities to correct your conduct deficiencies but chose to continue to commit misconduct; which led to your DD. Your conduct not only showed a pattern of misconduct but also was sufficiently pervasive and serious to negatively affect the good order and discipline of your command. Further, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating veterans' benefits, or enhancing educational or employment opportunities. Moreover, the Board noted you provided no evidence, other than your statement, to substantiate your contentions.

Finally, the Board applied liberal consideration to your claim that you suffered from a mental health condition, and to the effect that this condition may have had upon the conduct for which you were discharged in accordance with the Kurta Memo. Applying such liberal consideration, the Board found insufficient evidence of a diagnosis of mental health condition that may be attributed to military service. This conclusion is supported by the fact you provided no evidence

in support of your claim. Additionally, even applying liberal consideration, the Board found insufficient evidence to conclude that the misconduct for which you were discharged was excused or mitigated by your mental health condition. In this regard, the Board simply had insufficient information available upon which to make such a conclusion. Therefore, the Board determined that the evidence of record did not demonstrate that you were not mentally responsible for your conduct or that you should not be held accountable for your actions. Moreover, even if the Board assumed that your misconduct was somehow attributable to any mental health conditions, the Board unequivocally concluded that the severity of your serious misconduct more than outweighed the potential mitigation offered by any mental health conditions.

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,

12/30/2025

