



advised you that any further deficiencies in performance and/or conduct may result in disciplinary action and in processing for administrative separation. On 26 September 1984, you received your fourth NJP for absence from your appointed place of duty, disobeying a lawful order, and two specifications of breaking restriction.

On 18 October 1984, you submitted a written request for separation in lieu of trial by court-martial (SILT) for two specifications of breaking restriction and willfully disobeying a lawful order. Prior to submitting this request, you conferred with a military lawyer at which time you were advised of your rights and warned of the probable adverse consequences of accepting such a discharge. As part of this discharge request, you admitted your guilt of the foregoing offenses and acknowledged that your characterization of service upon discharge would be under Other Than Honorable (OTH) conditions. The separation authority approved your request and directed your commanding officer to discharge you with an OTH characterization of service by reason of SILT. You were so discharged on 30 November 1984.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Kurta, Hagel, and Wilkie Memos. These included, but were not limited to, your desire to upgrade your discharge character of service to Honorable and change your narrative reason for separation, separation code, and reentry code. You contend that: (1) you were targeted and isolated, (2) your race played a significant role in your experience, (3) you were singled out for tasks that seemed unwarranted on several occasions, (4) your OTH discharge was not reflective of your character of dedication to the Marine Corps, (5) you never refused to fulfill your duties but did speak up when you felt that you were being unfairly treated, (6) your decision to accept an administrative discharge was heavily influenced by your desire to respect your mother's wishes and to end a situation where you felt targeted and unwelcomed, (7) your discharge was in error and unjust due to the mistreatment you experienced based on racial discrimination, (8) the mistreatment you experienced led to your depression and subsequent events which would lead to your discharge, and (9) in light of your post-service career your discharge status should reflect an Honorable discharge because of your honorable conduct since leaving the military and your involvement in charitable organizations. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted of your DD Form 149 and the evidence you provided in support of your application.

As part of the Board's review, a qualified mental health professional reviewed your request and provided the Board with an AO on 18 September 2025. The AO noted in pertinent part:

There is no evidence that he was diagnosed with a mental health condition in military service, although there is evidence that he complained of symptoms of hyperactivity since childhood. There is also evidence that he reported some symptoms of depression during his separation physical. The provider conducting the evaluation considered these symptoms were not sufficiently disabling to prevent his separation from service. The Petitioner has provided no additional medical evidence regarding his purported mental health concerns. Unfortunately, available records are not sufficiently detailed to establish a clinical level of mental health symptoms in service or provide a nexus with his misconduct. Additional records

(e.g., post service mental health records describing the Petitioner's diagnosis, symptoms, and their specific link to his misconduct) may aid in rendering an alternate opinion.

The AO concluded, "it is my considered clinical opinion that there is insufficient evidence of a mental health condition that may be attributed to military service. There is insufficient evidence that his misconduct may be attributed to a mental health condition."

In response to the AO, you submitted an additional statement by your counsel and medical records indicating for sleep difficulties and depression, among other concerns. After reviewing your rebuttal evidence, the AO remained unchanged.

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 four NJPs and SILT request, 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. Additionally, the Board 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.

Further, the Board concurred with the AO that there is insufficient evidence of a mental health condition that may be attributed to military service and there is insufficient evidence that your misconduct may be attributed to a mental health condition. 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 Hagel and Kurta Memos. 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 AO and the fact your medical evidence is temporally remote to your service and appears unrelated. 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 and recognized the same concerns raised in the AO. 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. While the Board carefully considered the evidence you submitted in mitigation, even in light of the Kurta, Hagel, and Wilkie Memos and reviewing the record liberally and 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,

1/10/2026

