



1. You enlisted in the Marine Corps and commenced active duty on 4 December 2001.
2. On 8 March 2004, you pleaded guilty at Special Court Martial (SPCM) to two specifications of wrongful use of methamphetamines, carnal knowledge with a child under the age of sixteen, and sodomy of a child under the age of sixteen. You were sentenced to reduction in rank to E-1, confinement, and a Bad Conduct Discharge (BCD). Ultimately, the findings and sentence in your SPCM were affirmed and you were issued a BCD on 18 February 2007.

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

The Board initially concluded you were appropriately awarded a BCD based on your SPCM conviction. While the Board carefully considered your contention for mitigation, 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 punitive discharge.

However, because you raised the issue of mental health, the Board applied liberal consideration to your claim that you suffered from Post-Traumatic Stress Disorder, and to the effect that this condition may have had upon the conduct for which you were discharged in accordance with the Kurta and Hagel 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 fact you provided no medical evidence in support of your claims even after being requested to do so by this Board. 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. 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.

In addition to applying liberal consideration to your claimed mental health condition and its potential effect upon your conduct in accordance with the Kurta and Hagel Memos, the Board also considered the totality of the circumstances to determine whether equitable relief is 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, your service to your community, your current mental health issues, the harshness of your punishment, the character references you provided for review, 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 your sexual misconduct

involving a child under 16 to be inexcusable and contrary to all military core values. Further, the Board determined that illegal drug use by a service member is also contrary to military core values and policy, renders such members unfit for duty, and poses an unnecessary risk to the safety of their fellow service members. The Board also considered the likely negative impact your misconduct had on the good order and discipline of your command, the potential service-discrediting effect of your offenses, and the severe negative impact on the victim. All of these factors led the Board to conclude an upgrade of your discharge to General (Under Honorable Conditions) or Honorable was not warranted in the interests of justice. While the Board commends you for your post-service rehabilitation efforts, ultimately, the Board concluded the mitigation evidence you provided was entirely insufficient to outweigh the seriousness of your misconduct.

Accordingly, given the totality of the circumstances, the Board determined 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,

2/26/2026

