



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

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Docket No. 6236-25
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 May 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:

- You enlisted in the U.S. Marine Corps and began a period of active duty service on 16 July 1990. Your pre-enlistment physical examination, on 15 September 1989, and self-reported medical history both noted no psychiatric or neurologic issues, symptoms, history, or counseling.
- On 30 July 1991, your command issued you a "Page 11" warning (Page 11) notifying you that you were eligible, but not recommended, for promotion to Corporal (E-4) due to a lack of attention to detail in living and grooming standards, and lack of bearing expected of a Marine

NCO. You declined to submit a Page 11 rebuttal statement.

- On 23 August 1991, you received non-judicial punishment (NJP) for three (3) separate specifications of failing to obey a lawful order. You did not appeal your NJP. On 26 August 1991, your command issued you a Page 11 documenting your NJP. The Page 11 advised you that a failure to take corrective action may result in disciplinary action and/or processing for administrative discharge. You declined to submit a Page 11 rebuttal statement.

- On 18 November 1991, your command issued you a Page 11 concerning your numerous returned checks for insufficient funds. The Page 11 advised you that a failure to take corrective action may result in administrative separation or judicial proceedings. You did not elect to submit a Page 11 rebuttal statement.

- On 21 November 1991, you were arrested by civilian authorities in ██████████ ██████████ for driving on a revoked license. On 2 December 1991, civilian authorities in ██████████ ██████████ again arrested you for driving on a revoked license.

- On 12 December 1991, your command issued you a Page 11 concerning your failure to maintain USMC weight standards. The Page 11 advised you that a failure to take corrective action may result in administrative separation or judicial proceedings.

- On 10 January 1992, the suspended portion of your punishment from your August 1991 NJP was vacated and ordered executed due to your continuing misconduct. On the same day, you received NJP for failing to obey a lawful order and three separate unauthorized absences (UA) from remedial PT. You did not appeal your NJP.

- On 28 January 1992, civilian authorities in ██████████ arrested you for failing to carry out the sentence of the Court concerning your two previous arrests.

- On 12 February 1992, your command notified you of administrative separation proceedings by reason of misconduct due to a pattern of misconduct. On 22 February 1992, you consulted with counsel and waived your right to include written rebuttal statements, but elected to waive your right in writing to request an administrative separation board. In the meantime, the suspended portion of your previous NJP was vacated. Ultimately, on 2 April 1992, you were separated from the Marine Corps for a pattern of misconduct with an under Other Than Honorable conditions (OTH) discharge characterization and assigned an RE-4 reentry code.

In your application to this Board, you express a desire for your discharge character of service be upgraded and your reason for separation be changed. You contend that:

- You take accountability for your misconduct as a young Marine, and you have been punished severely for your pattern of minor misconduct for more than three decades.

- You are deserving of the chance to restore your honor so you may speak of your Marine Corps service without the lingering sense of regret.

- Your misconduct was the result of your immaturity at the time rather than a willful pattern of misconduct.
After careful review, the Board reached the following conclusions and denied your application for relief.

The Board initially concluded you were appropriately processed for administrative separation based on your record of misconduct. The Board noted you did not deny committing the misconduct that formed the basis of your administrative separation and OTH discharge. Therefore, the Board determined the presumption of regularity applies to your OTH discharge and no error exists with your 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, your desire for an upgrade to your characterization of service and change to your reason for separation, your contentions, the totality of your service to include service highlights, the non-violent nature of your misconduct, your relative youth and immaturity at the time of your misconduct, your rehabilitation efforts, your post-service record of accomplishments, the evidence you provided in support of your application, 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. 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. The Board observed that character of military service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your overall active duty trait average calculated from your available performance evaluations during your enlistment was approximately 3.7 in conduct. Marine Corps regulations in place at the time of your discharge recommended a minimum trait average of 4.0 in conduct (proper military behavior), for a fully honorable characterization of service. The Board noted that your service record was marred by two (2) separate NJPs, four (4) Page 11 entries, and multiple civilian arrests. The Board concluded that your cumulative misconduct was not minor in nature and demonstrated a repeated failure to conform to basic military standards of good order and discipline, all of which further justified your OTH characterization. Therefore, even taking into consideration all the mitigation factors in your case, the Board found that your misconduct while on active duty outweighed the mitigation evidence offered. While the Board commends you for your post-service accomplishments and acknowledged your rehabilitation efforts, ultimately, the Board concluded an upgrade of your discharge characterization of service is not warranted in the interests of justice. Based on the same rationale, the Board also determined your reason for separation remains appropriate.

Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

