



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

██████████
Docket No. 6292-25
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER ██████████
██████████ USMC

Ref: (a) 10 U.S.C. § 1552
(b) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 w/ enclosures

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board) requesting that his punitive discharge be upgraded, his narrative reason for separation be changed to "Secretarial Authority," and his reentry code be adjusted "appropriately." Enclosure (1) applies.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 1 May 2026 and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, applicable statutes, regulations, and policies, to include reference (b).

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although Petitioner's 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 the case on its merits.

c. Petitioner enlisted in the Marine Corps and began a period of active duty on 18 October 1999. After a period of continuous Honorable service, he immediately -reenlisted on 12 December 2007. His period of continuous Honorable service from his first enlistment was included in the block 18 remarks of his final discharge.

d. On 4 September 2009, Petitioner was tried by General Court-Martial (GCM) and, pursuant to the terms of a pre-trial agreement (PTA), pleaded guilty to numerous violations of the Uniform Code of Military Justice (UCMJ). His offenses included three specifications under

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Article 107, UCMJ, for falsifying unit diary entries, with intent to deceive, regarding [his] rifle qualification, marksmanship scores, and martial arts belt completion, eight specifications under Article 132, UCMJ, of submitting multiple fraudulent claims for Family Separation Allowance (FSA) for himself and a lance corporal as well as submitting fraudulent claims for hazardous duty pay and hostile fire pay, and one specification under Article 92, UCMJ, for dereliction of duty by, on divers occasions, negligently failing to secure his electronic signature. He was sentenced to reduction to the paygrade of E-1, 18 months' confinement which would be reduced to 14 months if he paid a \$2000 fine, and a Bad Conduct Discharge (BCD). Per the terms of his pre-trial agreement, his confinement in excess 366 days was suspended.

e. On 29 July 2010, the Navy and Marine Corps Court of Criminal Appeals affirmed the findings and sentence. Petitioner was discharged with a BCD on 8 October 2010.

f. Petitioner contends that he made a regrettable error in judgment during his youth and is finally in a good position to apply to the board. He completed a period of Honorable service during his first enlistment and completed multiple training courses, to include SNCO distance education. He regrets his actions and does not make excuses for his misconduct, which included fraudulent transactions benefiting himself and his friends. He submitted evidence of post-service character and accomplishments for consideration of an upgraded characterization on the basis of clemency, to include: his service records, employment verification records, letters of recommendation, his master's degree diploma, a criminal background search, and a photograph.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concluded that Petitioner's request warrants partial relief.

The Board initially concluded Petitioner was appropriately discharged with a BCD based on his GCM conviction and sentence. The Board noted Petitioner admitted to committing the misconduct that formed the basis of his GCM conviction and sentence. Therefore, the Board determined the presumption of regularity applies to Petitioner's BCD and no error exists with his 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, Petitioner's desire for an upgrade to his characterization of service, Petitioner's contentions, the totality of Petitioner's service to include service highlights, the non-violent nature of Petitioner's misconduct, Petitioner's relative youth and immaturity at the time of his misconduct, Petitioner's rehabilitation efforts, Petitioner's post-service record of accomplishments, the harshness of Petitioner's punishment, the evidence Petitioner provided in support of his application, the character references Petitioner provided for review, and the passage of time since Petitioner's discharge.

The Board found that the mitigating factors were sufficient to justify some equitable relief. In this regard, the Board noted Petitioner's GCM conviction for extensive fraud-related misconduct

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and does not condone his self-serving actions or abuse of his position. However, the Board favorably considered his evidence of post-discharge rehabilitation and character, to include his education and employment accomplishments, his esteem within his community, and the absence of other misconduct either before or after the offenses which formed the basis of his GCM conviction. The Board found that the stigmatizing nature of his punitive discharge is inconsistent with the path he has forged, post-discharge, despite the challenges such discharges pose. As a result, the Board found that the totality of favorable matters in support of clemency outweighed the misconduct which resulted in his punitive discharge. Accordingly, the Board determined that it is in the interest of justice to upgrade his characterization of service to General (Under Honorable Conditions) and change his separation to reflect a Secretarial Authority discharge.

Notwithstanding the recommended corrective action below, the Board determined no additional equitable relief is warranted. First, the Board found that Petitioner is not suitable for further military service, therefore his assigned reentry code continues to serve a valid administrative purpose and should remain unchanged. Second, while the Board noted that flawless service is not required to receive an Honorable characterization of service, the nature and gravity of Petitioner's misconduct led them to conclude that his service was far from Honorable. Finally, the Board determined that any injustice in Petitioner's record is adequately addressed by the significant clemency recommended by this Board.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating that, for the period ending on 8 October 2010, he was discharged with a "General (Under Honorable Conditions)" characterization of service, separation authority of "MARCORSEPMAN par 6214," narrative reason for separation of "Secretarial Authority," and a separation code of "JFF1." That all other information currently listed on Petitioner's DD Form 214 remains the same.

That no further changes be made to Petitioner's record.

A copy of this report of proceedings be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above-entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing

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corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

6/1/2026

