



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

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Docket No. 6310-25
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. 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 2 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, 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).

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issue(s) involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You originally enlisted in the Marine Corps and began a period of active duty on 5 May 1975. After a period of Honorable service, you were discharged by reason or expiration of active obligated service on 13 May 1979.

You reenlisted in the Marine Corps and began a second period of active duty on 6 July 1979. Between 20 February 1980 and 2 June 1980, you received NJP on two occasions for three instances of UA. On 17 October 1980, you were convicted by summary court martial (SCM) for two instances of UA. You were sentenced to reduction in rank, a period of confinement, and

forfeiture of pay. On 5 December 1980, you were convicted by SCM for another period of UA. You were sentenced to a period of confinement at hard labor.

Consequently, you were notified of the initiation of administrative separation proceedings by reason of misconduct due to frequent involvement; at which point you decided to waive your procedural rights. Your commanding officer recommended that you be discharged with an Other Than Honorable (OTH) discharge characterization of service and the separation authority approved the recommendation. On 13 March 1918, you were so discharged.

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 for a discharge upgrade and contentions that: (a) you have based your request on your proven character of service during your first enlistment and the questionable circumstances that led to your second enlistment ending earlier with an OTH, (b) your supervisor informed you that he was going to make it his mission to burn you during your last 30 days of service and proceeded to file UCMJ charges against you, (c) you had no other recourses to defend yourself, and (d) you believe that your chain of command's decision to pursue UCMJ action against you were based on biased circumstances. 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 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 SCMs, 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. Finally, the Board noted you provided no evidence, other than your statement, to substantiate your contentions. However, the Board noted that your record of misconduct during your second enlistment period commenced approximately eight months after you reenlisted and well before your last 30 days of obligated service. Therefore, the Board was not persuaded by your arguments of unfair treatment.

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 the 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,

1/6/2026

