



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

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Docket No. 6940-25
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 22 August 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, 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 Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You enlisted in the Marine Corps and began a period of active duty on 17 September 1984. On 20 June 1985, you reported to █ for duty. On 25 September 1985, you received meritorious mast for your volunteer services. On 20 December 1985, you received an administrative remarks (Page 11) retention warning/counseling for deficiencies in the performance of your duties, following orders, and failure to be at your appointed place of duty when told by superiors. On 21 January 1986, you received non-judicial punishment (NJP) for disobeying a lawful order by refusing to report to your appointed place of duty. On 16 April 1986, you began a period of unauthorized absence that lasted approximately one day. On 22 April 1986, you received your second NJP for your period of UA. You were counseled that you were being recommended for administrative separation due to your

misconduct and being relieved as a member of the █ due to poor attitude, failure to follow orders, and frequent involvement with military authorities. On 28 May 1986, you received another a Page 11 counseling concerning frequent involvement with military authorities.

On 10 June 1986, you were notified of pending administrative separation proceedings by reason of an established pattern of misconduct with military authorities. You were informed that the least favorable characterization of service you may receive is Under Other Than Honorable (OTH) conditions. You elected your right to consult with counsel and waived your right to present your case to an administrative discharge board. In the meantime, you received your third NJP for failure to go to your appointed place of duty and disobeying a lawful order. The commanding officer (CO) forwarded your administrative separation package to the separation authority recommending your administrative discharge from the Marine Corps. As part of the CO's recommendation, he stated in pertinent part:

[Petitioner] has stated that he has no desire to remain in the USMC. His demonstrated lack of maturity, judgment and desire to conform to military regulations has shown his ever decreasing value to the Corps. He no longer can be trusted in a █ billet, or to even perform in a manner expected of Marines. It is considered in the best interest of [Petitioner] and the USMC that he be expeditiously discharged under Other than Honorable conditions.

The separation authority approved the recommendation and you were so discharged on 1 July 1986.

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 to upgrade your discharge character of service and contentions that: (1) you were never written up or disciplined, (2) you were second in charge on your shift as a military police (MP) and had trained new MPs on post, (3) you never disobeyed anyone, the write-ups are not correct, and you were unaware of them until 25 May 2025, (4) you were very young, (5) you received a Good Conduct Medal, and (6) you were continuously harassed by your sergeants. You also checked the "PTSD" and "Other Mental Health" boxes on your application but chose not to respond to the 1 July 2025 letter from the Board requesting evidence in support of your claims. For purposes of clemency and equity consideration, the Board considered the totality of your application; which included your DD Form 149 and an incomplete Department of Veterans Affairs Form 21-4138.

After thorough review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evident by your administrative counselings and NJPs, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and concluded your misconduct 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 unit. The Board determined the record reflected that your misconduct was intentional, willful, and persistent, and demonstrated you were unfit for further service.

Furthermore, contrary to your contentions, the Board found evidence of multiple incidents of documented misconduct, poor performance, and associated counselings. In addition, the Board found no evidence you received the Good Conduct Medal and noted that your record of misconduct, along with your time in service, indicates you did not meet the minimum requirements to receive the medal. Finally, the Board noted you provided no evidence, other than your statement, to substantiate your contentions. Therefore, the Board was not persuaded by your contentions.

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 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,

8/29/2025

