



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

Docket No. 7133-25
Ref: Signature Date

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.

Because your application was submitted with new evidence not previously considered, the Board found it in the interest of justice to review your application. A three-member panel of the Board, sitting in executive session, considered your application on 1 April 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).

You previously applied to this Board and were denied relief on 16 November 2010. The summary of your service remains substantially unchanged from that addressed in the Board's previous decision. 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:

1. You enlisted in the U.S. Marine Corps and began a period of active duty service on 27 May 1986. Your pre-enlistment physical examination, 14 May 1986, and self-reported medical history both noted no psychiatric or neurologic issues or symptoms.
2. On 22 August 1986, you received non-judicial punishment (NJP) for wrongful appropriation. You did not appeal your NJP.

3. On 18 December 1986, your command issued you a "Page 11" warning (Page 11), documenting your poor performance in the field. The Page 11 advised you that a failure to take corrective action may result in administrative separation or judicial proceedings. You declined to submit a Page 11 rebuttal statement.

4. On 13 July 1988, you commenced an unauthorized absence (UA) that terminated on 14 July 1988. On 27 July 1988, you received NJP for your one-day UA. You did not appeal your NJP.

5. On 4 August 1988, your command issued you a Page 11 documenting your frequent violations of the Uniform Code of Military Justice. The Page 11 advised you that any further deficiencies in your performance will result in disciplinary action and in processing for administrative discharge. You elected not to submit a Page 11 rebuttal statement.

6. On 21 August 1988, you received NJP for: (a) larceny of U.S. Government property, and (b) two (2) separate specifications of wrongfully communicating a threat. You did not appeal your NJP.

7. On 18 October 1988, you commenced another UA that terminated on 20 October 1988. On 27 October 1988, you received NJP for your two-day UA. You did not appeal your NJP.

8. On 1 November 1988, you received NJP for an assault. You did not appeal your NJP.

9. Consequently, on 21 November 1988, your command notified you of administrative separation proceedings by reason of misconduct due to a pattern of misconduct. You consulted with counsel and waived your right to include written rebuttal statements, but elected to request an administrative separation board. However, on 30 January 1989, you waived your right in writing to request an administrative separation board.

10. In the interim, on 24 February 1989, you received NJP for breaking into the wall locker of another Marine to commit larceny. You did not appeal your NJP.

11. Ultimately, on 28 February 1989, 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 contend that:

1. This is a request for equity and justice based on an objective assessment of the totality of the circumstances of your service in the United States Marine Corps.

2. You should be granted relief under the mitigating factors of the misconduct in question, as well as certain language in the MARCORSEPMAN pertaining to characterization of service.

3. You fully admit to being punished under Article 15, UCMJ on six different occasions, as well as receiving two negative Page 11s.

4. You have established yourself as a pillar in your community and will continue to do so.

5. You are not interested in benefits, disability compensation, etc., you just want to restore the pride and honor that you felt in the beginning of your service that has been absent nearly throughout your entire adult life.

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 admitted to 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 administrative separation 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, 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, the evidence you provided in support of your application, 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 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 noted that your service record was marred by six (6) separate NJPs and two (2) Page 11 entries. 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 continues to justify 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 rehabilitation efforts, ultimately, the Board concluded an upgrade of your discharge characterization of service is not warranted in the interests of justice.

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 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,

4/3/2026

