



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

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Docket No. 7785-25
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 16 January 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 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.

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 Marine Corps and began active duty on 5 November 2012.
2. On 8 August 2013, you were issued an administrative remarks (Page 11) counseling concerning deficiencies in your performance and/or conduct. You were advised that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative discharge.

3. You received a second retention warning/counseling on 5 September 2013.

4. On 20 May 2015, you received non-judicial punishment (NJP) for two specifications of failing to obey an order or regulation, giving a false official statement, and discharging a personal firearm in your home. Consequently, you were notified of pending administrative separation proceedings by reason of misconduct due to commission of a serious offense, and chose to waive your right to submit a written rebuttal.

5. Unfortunately, the documents pertinent to your administrative separation are not in your official military personnel file (OMPF). Notwithstanding, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. Based on the information contained on your Certificate of Release or Discharge from Active Duty (DD Form 214), you were separated, on 11 August 2015, with a "General (Under Honorable Conditions)" (GEN) characterization of service, narrative reason for separation of "Misconduct (Serious Offense)," reentry code of "RE-04," and separation code of "JKQ1;" which corresponds with commission of a serious military or civilian offense.

6. Post-discharge, you applied to the Naval Discharge Review Board (NDRB) twice for relief. The NDRB denied your initial request, on 25 April 2017, after determining your discharge was proper as issued. In that application, you sought a change to your reentry code and characterization of service based on your post-service conduct and to enhance your employment opportunities. In your second application, you sought similar relief in order to obtain veterans' benefits and employment opportunities. You argued that you were treated unfairly because other Marines were not separated after committing similar misconduct and your misconduct should be mitigated by stress and anxiety you were experiencing at the time. The NDRB denied your application, on 19 October 2021, after again determining your discharge was proper as issued

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. While the Board carefully considered your contention for mitigation and arguments regarding your innocence, the Board was not persuaded. Specifically, the Board noted you admitted to making a false official statement and intentionally discharging your weapon. Moreover, the Board considered that you did not deny committing the misconduct in your two applications to the NDRB. Finally, the Board was unwilling to re-litigate findings that occurred over 10 years prior; especially when you chose not to appeal your NJP or contest your administrative separation processing. Therefore, the Board determined the presumption of regularity applies to the finding that you committed the misconduct that formed the basis of your administrative separation and were properly separated for misconduct with a GEN characterization of service.

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, 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 allegations of unfair treatment, 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 considered the dangerousness of your weapons discharge and initial lack of candor in describing the event. Further, the Board found that you already received a large measure of clemency when the Marine Corps assigned you a GEN characterization of service for misconduct that would normally warrant an Other Than Honorable characterization. Thus, the Board determined that substantial mitigation was already applied in your case. While the Board noted that flawless service is not required to receive an Honorable characterization of service, the nature and gravity of your misconduct led them to conclude that your service was not Honorable. Finally, the Board believed that it would be unjust to characterize your service in the same manner as the service of the thousands of service members who, unlike you, honorably completed their enlistments without engaging in misconduct warranting the early curtailment of their service. Therefore, the Board did not find an upgrade of your discharge to Honorable to be warranted in the interests of justice.

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,

2/12/2026

