



- You enlisted in the Marine Corps and commenced active duty on 23 March 1993.
- On 5 August 1993, you received non-judicial punishment (NJP) for unauthorized absence (UA) from your place of duty and willfully disobeying a lawful order from a Gunnery Sergeant.

- On 8 July 1995, you were issued an administrative remarks (Page 11) counseling concerning deficiencies in your performance and/or conduct, specifically failure to pay just debts.
- On 17 July 1995, you received NJP for UA from your appointed place of duty and dishonorably failing to pay a just debt of \$1,411.00.
- On 6 April 1995, you received NJP for UA from your appointed place of duty and dishonorably failing to maintain sufficient funds for five checks to the Marine Corps Exchange.
- On 13 May 1995, you received Page 11 counseling for use of government phone lines for non-official business.
- On 2 July 1995, you commenced a period of UA that ended in your apprehension by civilian authorities on 10 August 1995.
- On 28 August 1995, you received Page 11 counseling for a pattern of misconduct. You were advised that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative discharge.
- On 27 September 1995, you were convicted at Special Court Martial (SPCM) for your 38-day UA. You were sentenced to a reduction-in-rank to E-1 and confinement.
- On 24 April 1996, you received NJP for failure to obey a lawful order by making unauthorized phone calls on government phone lines.
- On 26 June 1996, you commenced a period of unauthorized absence that ended in your surrender on 5 August 1996.
- On 11 September 1996, you were convicted at Summary Court Martial (SCM) of your 39-day UA and awarded reduction-in-rank to E-1 and forfeitures.
- On 23 September 1996, you were notified of pending administrative separation processing with an Under Other Than Honorable conditions (OTH) discharge by reason of misconduct due to pattern of misconduct. You waived your rights to consult counsel, submit a statement, or have your case heard by an administrative discharge board. The separation authority subsequently directed your discharge with an OTH characterization of service and you were so discharged on 9 October 1996.

In your application to this Board, you express a desire for your discharge character of service be upgraded and contend that:

- You made a terrible mistake as a young man by going UA and not talking about the issues you were having while enlisted.
- You desire full Department of Veterans Affairs (VA) benefits.

- You would like to apologize for your actions. It was a costly mistake and bad decision that you wish you could take back.

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 OTH discharge 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 to include service highlights, your need for veterans' benefits, the non-violent nature of your misconduct, your relative youth and immaturity at the time of your misconduct, the negative effect your discharge has had on your life, your candor and remorse, 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. Additionally, there is no precedent within this Board's review, for minimizing the one-time, isolated incident. As with each case before the Board, the seriousness of a single act must be judged on its own merit, it can neither be excused nor extenuated solely on its isolation. However, the Board noted your record of misconduct includes five NJPs and two court-martial convictions. Therefore, the Board was not persuaded by your argument that you made only one mistake. 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. Finally, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating veterans' benefits, or enhancing educational or employment opportunities. Even though the Board considered your possible need for veterans' benefits, they determined the severity of your misconduct outweighed any mitigation resulting from that factors. While the Board appreciates your acceptance of responsibility and expression of remorse for your actions, 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,

4/27/2026

