



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

██████████  
Docket No: 8546-25  
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER ██████████

██████████ USMC

Ref: (a) 10 U.S.C. §1552  
(b) USECDEF Memo, "Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations," of 25 July 2018

Encl: (1) DD Form 149 with attachments  
(2) Case Summary  
(3) Subject's Naval record (DD Form 214)

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his naval record be corrected to upgrade his Characterization of Service and change his Narrative Reason for Separation on his Certificate of Release or Discharge from Active Duty (DD Form 214). Enclosures (1) through (3) apply.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 3 March 2026 and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, and applicable statutes, regulations, and policies, to include reference (b).

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to review the application on its merits.

c. Petitioner enlisted in the Marine Corps and commenced a period of active duty on 15 June 1992.

d. On 21 December 1992, Petitioner was counseled on his conduct while at the School of Infantry. On 23 December 1992, he received non-judicial punishment (NJP) for absences from appointed place of duty. On 5 January 1993, he received NJP for absence from appointed place of duty and willfully disobeying a lawful order.

e. On 21 October 1993, civil authorities arrested Petitioner for automobile theft.

f. On 7 January 1994, a general court-martial (GCM) convicted Petitioner, pursuant to his guilty pleas, of committing carnal knowledge with a female under the age of 16 and unlawfully carrying a concealed weapon. Petitioner was sentenced to six months confinement, forfeitures of \$500 pay per month for six months, and reduction to E-1.

g. Consequently, Petitioner was notified of pending administrative separation action by reason of misconduct due to pattern of misconduct. After Petitioner waived rights, the commanding officer (CO) forwarded his package to the separation authority (SA) recommending his discharge with an Other Than Honorable (OTH) characterization of service. The SA approved the CO's recommendation and Petitioner was so discharged on 27 May 1994.

h. At the time of his discharge, Petitioner received a DD Form 214 that erroneously documents his Block 28 (Narrative Reason for Separation) as "Misconduct - Drug Abuse (Administrative Discharge Board Required but Waived)" instead of pattern of misconduct<sup>1</sup>.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concluded Petitioner's request merits partial relief. Specifically, as discussed previously, Petitioner's DD Form 214 erroneously documents his Narrative Reason for Separation (Block 28) and requires correction.

Notwithstanding the corrective action recommended below, the Board determined Petitioner's characterization of service remains appropriate.

The Board initially concluded Petitioner was appropriately processed for administrative separation based on his record of misconduct. While the Board acknowledged the administrative error on his DD Form 214 and considered Petitioner's contention that he was told he would receive a General (Under Honorable Conditions) (GEN) characterization of service, the Board noted Petitioner did not deny committing the misconduct that formed the basis for his administrative separation and OTH discharge. Further, the Board observed that Petitioner provided no evidence, other than his statement, to substantiate his claim that he was told he would receive a GEN discharge. In fact, Petitioner's notification of separation processing specifically states he is being recommended for an OTH characterization of service. While the Board also considered Petitioner's contention that the notification document "was folded to hide the errors," it found no evidence indicating it was folded. More importantly, the Board noted that Petitioner acknowledged that he was being recommended for an OTH characterization of service by placing his initials right next to the statement. Therefore, the

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<sup>1</sup> However, Petitioner's SPD code was correctly annotated as "HKA."

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Board determined the presumption of regularity applies to Petitioner's administrative separation and no error exists with his 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, Petitioner's desire for a upgrade to his characterization of service, his contentions, the totality of his service, his need for veterans' benefits, his relative youth and immaturity at the time of his misconduct, the negative effect his discharge has had on his life, the harshness of his punishment, and the passage of time since his 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 Petitioner's misconduct far outweighed all of the mitigating factors combined. In particular, the Board found that Petitioner's conduct showed a complete disregard for military authority and regulations. The Board observed he was given multiple opportunities to correct his conduct deficiencies but chose to continue to commit misconduct, which led to his OTH discharge. Petitioner's conduct not only showed a pattern of misconduct but was sufficiently pervasive and serious to negatively affect the good order and discipline of his command. Therefore, even taking into consideration all the mitigation factors including Petitioner's current need for veterans' benefits, the Board found his extensive record of misconduct while on active duty outweighed the mitigation evidence offered.

Accordingly, given the totality of the circumstances, the Board determined Petitioner's request does not merit any additional relief.

#### RECOMMENDATION:

In view of the foregoing, the Board finds the existence of an error warranting the following corrective action:

That Petitioner is issued a new Certificate of Release or Discharge from Active Duty (DD Form 214), for the period ending 27 May 1994, indicating his narrative reason for separation was "Misconduct (Pattern of Misconduct)."

That no further changes be made to Petitioner's record.

That a copy of this report of proceedings be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.
5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing

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corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

3/20/2026

