



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

█
Docket No. 8590-25
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 of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 w/attachments
(2) Naval record (excerpts)

1. Pursuant to the provisions of reference (a), Petitioner filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his discharge be upgraded, and that his separation and reentry codes be changed.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 4 May 2026 and, pursuant to its regulations, determined the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, 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. Although Petitioner did not file his application in a timely manner, the statute of limitation was waived in the interests of justice.

b. Petitioner enlisted in the U.S. Marine Corps and began a period of active duty on 5 November 1985. As part of his enlistment processing, he was granted a waiver for leaving the scene of an accident, speeding, and having no horn or signals. At the time of his enlistment, his Date of Birth (DOB) was reflected as █.

c. On 9 October 1986, 27 October 1986, and 26 November 1986, Petitioner received administrative remarks documenting that, although eligible for promotion, he was not recommended due to assignment to the weight control program.

d. On 4 March 1987, Petitioner was formally counseled regarding the seriousness of issuing checks without sufficient funds. Petitioner elected not to submit a statement.

e. On 16 March 1987, Petitioner received nonjudicial punishment (NJP) for making and uttering checks without sufficient funds in violation of Article 134 of the Uniform Code of Military Justice (UCMJ). His punishment consisted of 30 days of correctional custody and reduction in paygrade to E-2, with the reduction suspended for 90 days. The suspended reduction was later vacated due to continuing misconduct.

f. On 4 June 1987, a general court-martial (GCM) convicted Petitioner of 15 specifications of making and uttering checks without sufficient funds in violation of Article 123a, UCMJ. Petitioner was sentenced to confinement for 18 months, a fine of \$5,000, an additional 10 months of confinement if the fine was not paid, reduction to paygrade E-1, and a Bad Conduct Discharge (BCD).

g. On 4 January 1989, Petitioner was discharged with a BCD based on his GCM conviction and sentence. Upon is discharge, Petitioner was issued a DD Form 214 that incorrectly annotated his DOB.

h. Petitioner contends that he made a few mistakes during his military service and was not afforded adequate guidance or an opportunity for rehabilitation prior to being tried by court-martial for offenses he believes could have been addressed through NJP. He asserts that he otherwise served honorably in the Marine Corps and desires to conclude his life in good standing. Petitioner further contends that his DOB is incorrectly reflected on his DD Form 214.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants partial relief. Specifically, as discussed previously, the Board determined Petitioner's DD Form 214 erroneously annotates his DOB and requires correction.

Notwithstanding the recommended corrective action below, upon review and consideration of all the evidence of record, the Board concluded that Petitioner's request does not warrant any additional relief.

The Board initially concluded Petitioner was appropriately discharged with a BCD based on his GCM conviction and sentence. The Board noted Petitioner did not deny committing the misconduct that formed the basis of his GCM conviction. Therefore, the Board determined the presumption of regularity applies to Petitioner's BCD and no error, other than his DOB on his DD Form 214, 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 an upgrade to his characterization of service, Petitioner's contentions, the totality of Petitioner's service to include service highlights, the non-violent nature of Petitioner's misconduct, Petitioner's relative youth and immaturity at the time of his misconduct, the negative effect Petitioner's discharge has had on his/her life, Petitioner's rehabilitation efforts, the harshness of Petitioner's punishment, Petitioner's advanced age, the advocacy letter Petitioner provided for review, and the passage of time since Petitioner's discharge.

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[REDACTED] USMC

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. 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 in Petitioner's case, the Board found that his/her misconduct while on active duty outweighed the mitigation evidence offered. In making this finding, the Board disagreed with Petitioner and his brother's characterization of his misconduct as relatively minor misconduct insufficient to merit a court-martial and punitive discharge. In reviewing the GCM records, the Board noted that Petitioner was found guilty of writing over \$6,000 in worthless checks and did so with specific intent to defraud. In total, taking into consideration his previous four worthless checks that resulted in NJP, the amount of fraud committed was approximately \$6,600. The Board found this amount to be particularly significant in 1987 since an E-3 only earned approximately \$9,200 annually. Further, the Board was not persuaded by Petitioner's contentions that he lacked guidance or an opportunity for rehabilitation since Petitioner's record is replete with counseling entries and he acknowledged engaging in reckless behavior. While the Board acknowledged the personal difficulties Petitioner endured at the time, ultimately, the Board concluded an upgrade of Petitioner's discharge characterization of service is not warranted in the interests of justice.

RECOMMENDATION:

In view of the above, the Board recommends that the following corrective action be taken on Petitioner's naval record in the interests of justice:

That the Petitioner be issued a Correction to DD Form 214, Certificate of Release or Discharge from Active Duty (DD Form 215) reflecting that, for the period ending 4 January 1989, his date of birth was [REDACTED]

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

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

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

5/22/2026

[REDACTED]