



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 2220

██████████
Docket No. 8658-25
Ref: Signature Date

████████████████████
██████████
████████████████████

Dear ██████████

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. 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 24 February 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, applicable statutes, regulations, and policies, to include the 25 August 2017 guidance from the Office of the Under Secretary of Defense for Personnel and Readiness (Kurta Memo), the 3 September 2014 guidance from the Secretary of Defense regarding discharge upgrade requests by Veterans claiming post-traumatic stress disorder (PTSD)/mental health condition (MHC) (Hagel Memo), and the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice, or clemency determinations (Wilkie Memo).

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 a period of active duty on 14 August 2003.
2. Between 10 December 2004 and 18 December 2004, you deployed in support of Humanitarian Assistance (██████████).

3. On 7 October 2005 and 14 July 2006, you were counseled concerning unauthorized absence (UA) and failure to obey a lawful order. You were advised that failure to take corrective action could result in administrative separation.

4. On 25 August 2006, you received nonjudicial punishment (NJP) for failure to report to your appointed place of duty. As part of your punishment, you were reduced in paygrade to E-2 but that portion of your punishment was suspended. On 26 August 2006, you were counseled concerning your previous NJP and advised that failure to take corrective action could result in administrative separation.

5. On 5 October 2006, your previous NJP imposed on 25 August 2006, was vacated due to continuing misconduct.

6. On 22 November 2006, you were convicted by summary court martial (SCM) for a period of UA from appointed place of duty, and four instances of orders violation that included breaking restriction, wearing civilian clothes while on restriction, and two instances of drinking alcoholic beverages while on restriction. You were sentenced to reduction in rank and a period of confinement.

7. On 30 July 2007, you were also counseled concerning a period of UA and advised that failure to take corrective action could result in administrative separation for pattern of misconduct.

8. On 31 July 2007, you were again counseled for another period of UA and informed that you would be processed for administrative separation.

9. On 19 September 2007, you were notified of the initiation of administrative separation proceedings by reason of misconduct due to pattern of misconduct. You decided to waive your procedural rights and your commanding officer (CO) recommended you be discharged with an Other Than Honorable (OTH) discharge characterization of service. In the meantime, on 20 September 2007, you received a second NJP for UA from appointed place of duty.

10. On 20 November 2007, the separation authority approved the CO's recommendation and you were so discharged on 29 November 2007.

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, the Board noted you did not deny committing the misconduct that formed the basis for 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.

However, because you raised the issue of mental health, the Board also applied liberal consideration to your claim that you suffered from a mental health condition, and to the effect that

this condition may have had upon the conduct for which you were discharged in accordance with the Hagel and Kurta Memos. Applying such liberal consideration, the Board found insufficient evidence of a diagnosis of mental health condition that may be attributed to military service. This conclusion is supported by the fact you provided no medical evidence in support of your claim and your service record contains no such diagnosis. Additionally, even applying liberal consideration, the Board found insufficient evidence to conclude that the misconduct for which you were discharged was excused or mitigated by your mental health condition. In this regard, the Board simply had insufficient information available upon which to make such a conclusion. Moreover, even if the Board assumed that your misconduct was somehow attributable to any mental health conditions, the Board unequivocally concluded that the severity of your serious misconduct more than outweighed the potential mitigation offered by any mental health conditions.

In addition to applying liberal consideration to your claimed mental health condition and its potential effect upon your conduct in accordance with the Hagel and Kurta Memos, the Board also considered the totality of the circumstances to determine whether equitable relief is warranted in the interests of justice in accordance with the Wilkie Memo. In this regard, the Board considered, amongst other factors, your contentions, the totality of your service, your need for veterans' benefits, the non-violent nature of your misconduct, your relative youth and immaturity at the time of your misconduct, your claims of mental health issues based on your deployment to the ██████████, 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, 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, the Board was not persuaded by your argument that your experiences in the ██████████ should mitigation your discharge. Even taking into consideration your youth, the circumstances you claim to have faced while you were in support of humanitarian operations, and your desire to access veterans' services, the Board found that your multiple incidents of UA and repeated disregard for orders outweighed the mitigation evidence offered. Further, the Board noted you provided no evidence, other than your statement, to substantiate your contentions. Finally, the Board believed that it would be unjust to characterize your less than honorable 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 General (Under Honorable Conditions) or Honorable to be warranted in the interests of justice. Ultimately, the Board concluded the mitigation evidence you provided was insufficient to outweigh the seriousness of your misconduct.

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 the 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,

3/18/2026

