



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

[REDACTED]
Docket No. 9038-25
Ref: Signature Date

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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 5 June 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 following is the relevant factual background of your case based upon review of your naval record and/or the matters provided with your application:

- You enlisted in the U.S. Marine Corps and began a period of active duty service on 29 July 1997. Your pre-enlistment physical examination, 25 June 1997, and self-reported medical history both noted no psychiatric or neurologic issues, conditions, or symptoms.
- On 3 June 1998 your command issued you a “Page 11” warning (Page 11), documenting your insubordinate conduct towards your team leader. The Page 11 noted that your behavior had

continued a trend of behavior prejudicial to good order and discipline and continued poor attitude. The Page 11 advised you that further misconduct will result in disciplinary action. You declined to submit a Page 11 rebuttal statement.

– On 3 September 1998 your command issued you a Page 11 documenting your frequent involvement with civilian authorities. The Page 11 noted that during the period of May-August 1998 you compiled eight (8) misdemeanor citations for various offenses. The Page 11 stated that your irresponsibility questioned your judgment and trustworthiness. The Page 11 advised you that further misconduct will result in disciplinary action. You declined to submit a Page 11 rebuttal statement.

– On 25 September 1998 you received non-judicial punishment (NJP) for: (a) insubordinate conduct, (b) failing to obey a lawful order, (c) making a false official statement, (d) dishonorably failing to pay a just debt, and (e) an assault upon another Private First Class with your fist and two (2) beer bottles. You did not appeal your NJP. On 1 October 1998 your command issued you a Page 11 entry where you acknowledged that you were eligible, but not recommended, for promotion to E-2 because of your recent NJP.

– On 1 February 1999 your command issued you a Page 11 documenting your frequent involvement with military and civilian authorities as a result of your poor judgment. The Page 11 advised you that your conduct placed your reliability, trustworthiness, and judgment as a Marine in question. The Page 11 warned you that a failure to take corrective action may result in administrative separation or judicial proceedings. You declined to submit a Page 11 rebuttal statement.

– On 17 February 1999 you received NJP for two (2) separate specifications of fraudulently obtaining services. You did not appeal your NJP.

– On 8 June 1999 you received NJP for: (a) willful disobedience of a superior commissioned officer, and (b) insubordinate conduct. You did not appeal your NJP.

– That same day, your command notified you of administrative separation proceedings by reason of misconduct due to a pattern of misconduct. You consulted with counsel and waived your right to include written rebuttal statements and to request an administrative separation board. Ultimately, on 5 August 1999, you were separated from the Marine Corps for misconduct with an under Other Than Honorable conditions (OTH) discharge characterization, and were assigned an RE-4 reentry code.

In your application to this Board, you express a desire for your discharge character of service be upgraded and your reason for separation, separation code, separation authority, and reentry code be changed to reflect a Secretarial Authority discharge. You contend that:

– This is a request for clemency made in the interest of justice. You should be granted relief under the spirit of the Wilkie Memorandum, as well as the instructions and factors listed therein.

- Your case is an unfortunate result of youthful inexperience and poor leadership from junior non-commissioned officers who were more interested in harassing you than mission success, thus resulting in a vicious cycle of frustration and punishment for you on active duty.
- You are not making excuses and know that you should have done things differently.
- You are not making this request for benefits, the GI Bill, or anything of the sort; rather, more than anything in the world you want to be proud of your service when you look at your DD-214, stand proudly with your fellow veterans, and remember the feeling of honor that you enjoyed in the USMC prior to your untimely discharge.
- You learned a tremendously difficult, but important, lesson throughout this entire ordeal from the late 1990s, and you have evolved into a mature, productive, and eminently positive member of society who will certainly not make the Board regret their decision should it be in your favor.
- You are precisely the type of veteran that was considered when the Wilkie Memorandum was drafted.

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 do not deny 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 and change your reason for separation, your contentions, the totality of your service to include service highlights, the non-violent nature of your misconduct, your relative youth and immaturity at the time of your misconduct, your rehabilitation efforts, your post-service record of accomplishments, your candor and remorse, your service to your community, the evidence you provided in support of your application, the character references you provided for review, 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. The Board concluded that your cumulative misconduct was not

minor in nature and demonstrated a repeated failure to conform to basic military standards of good order and discipline, all of which further justified your OTH characterization. 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. In making this finding, 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. While the Board commends you for your post-service accomplishments and acknowledged your extraordinary rehabilitation efforts, 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,

6/16/2026

