



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

██████████
Docket No. 9168-25
Ref: Signature Date

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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 24 March 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 Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

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 entered active duty in the Marine Corps on 23 July 1983.
2. On 29 March 1985, you were counseled on not being recommended for promotion due to poor performance while assigned to the remedial physical fitness training (PFT) program.
3. On 19 April 1985, you were counseled on your lack of fortitude in completing the Battalion PFT runs.

4. On 30 April 1985, you were assigned to the weight control program for six months.
5. On 15 August 1985, you were counseled for not showing progress while assigned to the weight control program.
6. On 27 September 1985, you received non-judicial punishment (NJP) for two specifications of straggling and falling out while running during the Battalion remedial PFT.
7. On 3 December 1985, you were reexamined and determined to be 19 pounds over the maximum weigh limit. During your assignment to the weight control program, you gained approximately 14 pounds.
8. Consequently, you were notified of pending administrative separation action by reason of convenience of the government due to unsatisfactory performance (failure to meet weight standards). After you waived your rights, your commanding officer (CO) forwarded your package to the separation authority (SA) recommending your discharge with a General (Under Honorable Conditions) (GEN) characterization of service. The SA approved the CO's recommendation and you were so discharged 10 February 1986.

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

1. You were experiencing an ankle injury which prevented you from completing your physical training (PT).
2. You were disciplined due to your inability to complete your PT.
3. You are service connected for your ankle condition.
4. You were a good Marine that does not deserve a GEN discharge.

After careful review, the Board reached the following conclusions and denied your application for relief.

The Board initially concluded you were appropriately assigned a GEN characterization of service based on your record of failing to meet weight standards. While the Board noted your argument about your physical limitations at the time, the Board noted you did not deny failing to meet weight standards. Additionally, you acknowledged in your notification of administrative separation processing that you could be assigned a GEN characterization of service. Therefore, the Board determined the presumption of regularity applies to the finding that you failed to meet weight standards and found no error 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 contentions regarding the circumstances of your weight control issues, the totality of your service including your service highlights, the non-violent nature of your misconduct, your relative youth and immaturity, 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 your repeated failure to meet weight standards 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 weight deficiencies but chose not to properly apply yourself, which led to your GEN discharge. Therefore, even taking into consideration all the mitigation factors in your case, the Board found that your conduct while on active duty outweighed the mitigation evidence offered. While the Board noted that flawless service is not required to receive an Honorable characterization of service, the nature of your lack of effort to meet weight standards led them to conclude that your service was not Honorable. In making this finding, the Board was not persuaded by your contention that your ankle injury at the time should mitigate your weight control issues. The Board considered that, in addition to struggling with run issues, you gained significant weight during your time on the weight control program. The Board could find no reasonable nexus between your ankle condition and your weight gain since you provided no evidence that you were unable to control your food intake due to your ankle issue. Therefore, the Board did not find an upgrade of your discharge to Honorable to be warranted in the interests of justice.

Accordingly, given the totality of the circumstances, the Board determined 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,

4/8/2026

