

- You enlisted in the Marine Corps and, after receiving a waiver for an Entry Level Separation from the Army, commenced active duty on 25 February 1991.
- On 30 March 1993, you commenced a thirty-nine-day period of unauthorized absence (UA) that ended with your surrender on 7 June 1993. On 6 July 1993, you received non-judicial punishment (NJP) for this period of UA.
- On 21 October 1993, you pleaded guilty at Special Court Martial (SPCM) to four specifications of larceny, conspiracy to commit larceny, four specifications of making and uttering checks with the intent to defraud and to the legal harm of another, and four specifications of conspiracy to forge checks. You were sentenced to reduction in rank to E-1,

forfeitures, confinement, and a Bad Conduct Discharge (BCD). After you were released from confinement, you commenced appellate leave on 5 January 1994. Subsequently, the findings and sentence in your SPCM were affirmed and you were issued a BCD on 29 November 1994.

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

- You regret the mistakes you made in service and have dedicated yourself to living a life of service and redemption by volunteering as a youth sports coach.
- You are a widower, live with quadriplegia, and desire Department of Veterans Affairs (VA) benefits to improve your quality of life.

For purposes of clemency and equity consideration, you provided a statement, advocacy letters, a death certificate, and the letter from your primary care manager.

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

The Board initially concluded you were appropriately discharged with a BCD based on your SPCM conviction and sentence. The Board noted you admitted to committing the misconduct that formed the basis of your SPCM conviction. Therefore, the Board determined the presumption of regularity applies to your BCD 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, your contentions, the totality of your service to include service highlights, your medical condition and need for veterans' benefits, the non-violent nature of your misconduct, your relative youth and immaturity at the time of your misconduct, the negative effect your discharge has had on your life, your rehabilitation efforts, your post-service record of accomplishments, your candor and remorse, your service to your community, the harshness of your punishment, 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 noted the likely negative impact your SPCM conduct had on your victims. The Board also found that your conduct showed a complete disregard for military authority and regulations. The Board observed you were given an opportunity to correct your conduct deficiencies but chose to continue to commit misconduct, which led to your BCD. 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. 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. Finally, the Board declined to summarily upgrade a discharge solely for the purpose of

facilitating veterans' benefits, or enhancing educational or employment opportunities. Even though the Board considered your age and possible need for benefits to address your health concerns, they determined the severity of your misconduct outweighed any mitigation resulting from those factors. While the Board commends you for your post-service accomplishments and acknowledged the personal difficulties you have endured, 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,

5/21/2026

