



[REDACTED]

[REDACTED]

[REDACTED]

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.

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 Marine Corps and began a period of active duty on 5 May 1984. After a period of continuous Honorable service, you immediately reenlisted on 27 January 1988 and began a second period of active duty service.
- Between 2 April 1988 and 1 September 1988, you had two periods of unauthorized absence (UA) totaling six days. On 6 December 1988, you were convicted by special court martial (SPCM) for three periods of UA, which included an instance of leaving your appointed place of duty. You were sentenced to a period of hard labor without confinement. You were also counseled concerning your periods of UA, lack of reliability and responsibility, and negative attitude towards rules and regulations. You were advised that failure to take corrective action could result in administrative separation.

- On 21 August 1989 and 7 December 1989, you were counseled for your arrest as a result of spousal abuse, poor attitude, and lack of integrity and initiative. You were again advised that failure to take corrective action could result in administrative separation.

- On 10 May 1990, you were counseled concerning your lack of integrity and poor judgement by failing to obey a lawful order to clean your weapon and lying about the incident to your OIC. You were advised that failure to take corrective action could result in administrative separation.

- On 6 November 1990, you received an NJP for four instances UA. Consequently, you were notified of the initiation of administrative separation proceedings by reason of misconduct due to pattern of misconduct, at which point, requested a case hearing by an Administrative Discharge Board (ADB). On 12 December 1990, you decided to withdraw your request for a case hearing by an ADB. Your commanding officer recommended you be discharged with an Other Than Honorable (OTH) discharge characterization of service and your administrative separation proceedings were determined to be sufficient in law and fact. The separation authority approved the CO's recommendation, and you were so discharged on 25 January 1991.

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

- You completed your initial enlistment and voluntarily reenlisted, demonstrating continued commitment to service.

- You chose not to reenlist further, emphasizing that your separation was voluntary and not due to misconduct.

- You acknowledged a court-martial during your first enlistment related to "insufficient funds" from checks written by a partner; however, you were found not guilty and the charge was dismissed.

- You received multiple awards and commendations, which reflects your character and faithful service.

- You fulfilled all assigned duties and that his overall service warrants an Honorable characterization, particularly given the absence of sustained misconduct and the voluntary nature of your separation.

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 noted your contention that you were found not guilty of uttering checks with insufficient funds at your SPCM, it also 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 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, your contentions, the totality of your service to include service highlights, your relative youth and immaturity at the time of your misconduct, 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. 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 considered that you provided no evidence, other than your statement, in support of your application. Finally, contrary to your contention, the Board found no evidence that you voluntarily left the Marine Corps. As explained above, you were involuntarily processed for administrative separation based on your pattern of misconduct. While you voluntarily waived your right to an ADB, this did not change the nature of your involuntary separation from the Marine Corps. While the Board acknowledged your previous period of continuous Honorable service prior to your SPCM conviction and NJP, 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 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,

4/27/2026
