



[REDACTED]

[REDACTED]

[REDACTED]

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 April 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).¹

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:

- You enlisted in the Marine Corps and began a period of active duty on 19 August 1997.

¹ The Board noted you checked the “Other Mental Health” box on your application but did not respond to the Board’s request to provide evidence in support of your claim. Additionally, your application did not contain any supporting evidence of your claim. Therefore, the Board did not consider your application under the guidance provided in the Kurta memo.

- On 1 June 2000, you received non-judicial punishment (NJP) for disrespect in language and attitude toward superior noncommissioned officer.

- On 10 February 2003, you were found guilty by a special court-martial (SPCM) of larceny. As punishment, you were sentenced to confinement, reduction in rank, and a Bad Conduct Discharge (BCD). Upon the completion of appellate review in your case, you were so discharged from the Marine Corps on 14 November 2006.

In your application to this Board, you express a desire for your discharge character of service be upgraded and your paygrade reinstated.² You contend that:

- You served honorably but fell prey to a manipulative organization that you now recognize as a cult.

- The organization exploited your insecurities and controlled every aspect of your off-duty life. You gave the organization money, your possessions, and, after being pressured by the organization, decommissioned desktop computers.

- You did not fully grasp the magnitude of your actions at the time and believed that your discharge was irreversible. You have carried the shame in silence and never imagined that there was a path toward reconsideration.

- You have spent the past 25 years of your life serving as a pastor, youth mentor, and you are now Director of Operations at an International Baccalaureate school in █.

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 and have your rank reinstated, your contentions, the totality of your service to include service highlights, your 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, your claimed mental health issues, the harshness of your punishment, the evidence you provided in support of your application, and the passage of time since your discharge.

² You also request assistance in reinstating your Department of Veterans Affairs (VA) benefits. This Board has no cognizance over VA benefits and, therefore, took no action on this aspect of your application.

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 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. Further, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating veterans' benefits or enhancing educational or employment opportunities. The Board considered your youth, immaturity, and the circumstances that led to your misconduct but determined these factors were insufficient to mitigate the seriousness of your misconduct. 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. While the Board commends you for your post-service accomplishments and acknowledged your 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,

5/20/2026

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Executive Director

Signed by: ■