



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 2220

██████
Docket No. 9822-25
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to 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.

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 4 May 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, 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 Reserve (USMCR) and began a period of active duty for training on 2 June 1992. After completing your obligated active service, you were released from active duty on 22 August 1992 and transferred to your Reserve unit.

¹ The Board noted you checked the "PTSD" box on your application but did not respond to the Board's request to provide evidence in support of your claim. In addition, your application did not discuss any mental health issues or include any evidence. Therefore, the Board did not consider your application under the guidance provided in the Kurta and Hagel memos.

- On 5 July 1993, you began a second period of active duty for training. On 6 August 1993, you were honorably discharged by reason of completion of active duty service and released to your Reserve unit.

- Between 17 July 1994 and 9 November 1996, you were counseled on six occasions concerning your failure to pass the Physical Fitness Test (PFT). You were advised that failure to take corrective action could result in administrative separation. On 3 October 1996, you were administratively reduced in paygrade due to unsatisfactory performance.

- Between 8 December 1996 and 9 March 1997, you were counseled on four occasions for unauthorized absence (UA) from USMCR drills. You were advised that if unsatisfactory participation continues, you will be subject to unrestricted active duty for a period of two years. You were also advised that failure to take corrective action could result in administrative separation.

- On 4 October 1997, you were notified of the initiation of administrative separation proceedings by reason of unsatisfactory participation-missed 44 drills. After you decided to waive your procedural rights, your commanding officer recommended you be separated with an Other Than Honorable (OTH) discharge characterization. The separation authority approved the recommendation and you were so discharged.

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

- While on active duty, you sustained injuries to your knee and upper back that were never properly evaluated or documented by medical personnel.

- These untreated injuries adversely affected your ability to meet physical fitness standards and, as a result, negatively impacted your overall performance.

- At the time of these incidents, you were young and reluctant to appear weak, consistent with the expectations and culture of the USMCR.

- Post discharge, you have discovered that you sustained significant physical damage, including a torn meniscus in your right knee, which ultimately required surgical intervention. You were also diagnosed with a bulging disc in your cervical spine, which continues to cause chronic pain and is currently managed with anti-inflammatory medication.

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 did 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, 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 claimed mental health issues, 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 noted you provided no evidence, other than your statement, to substantiate your contentions. Further, the Board observed that you performed your Reserve duties satisfactorily through 6 August 1993 and were well aware of how to remain in contact with your chain of command. While the Board commends 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 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,

5/26/2026

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Executive Director

Signed by: █