



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

██████████
Docket No. 10661-25
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 you did not file your application 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 16 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 enlisted in the Marine Corps and began a period of active duty on 27 July 1992.
2. On 11 January 1993, you were counseling regarding an inability to participate in training which included even minimal amounts of physical exertion.

3. On 28 January 1993, you were counseled regarding an inability to be clean shaven.
4. On 22 March 1993, you commenced a period of unauthorized absence that terminated on 6 April 1993.
5. On 30 March 1993, the Staff Judge Advocate (SJA) of Marine Corps Base, ██████████ issued a memorandum of endorsement on a recommendation for your administrative discharge. The memorandum stated that the SJA found the recommendation to be sufficient in law and fact.¹
6. On 12 April 1993, you received non-judicial punishment (NJP) for violation of Uniform Code of Military Justice (UCMJ) Article 86 (unauthorized absence (UA) from 22 March to 6 April 1993). You were awarded punishment of 14 days of restriction, 14 days of extra duty, and forfeiture of \$213 pay per month for one month.
7. On 14 April 1993, you had two periods of UA from 0620 to 1150 and 1300 to 1345. That same day, you were counseled regarding overall poor performance to include a failure to accept responsibility, lack of accountability, and lack of attention to detail. You were warned that further misconduct may result in administrative separation processing.
8. On 18 April 1993, you failed to go to your appointed place of duty.
9. On 13 May 1993, you received a second NJP for violation of UCMJ Article 86 (three specifications: UA from 0620 to 1150 on 14 April 1993, UA from 1300 to 1345 on 14 April 1993, and failure to go to your appointed place of duty on 18 April 1993), Article 107 (signed a false official document, company sick call logbook to go to appointments which you knew in fact that you did not have), and Article 115 (to avoid being in ██████████ went to ██████████ requesting to have your eyes and ears check). You were awarded punishment of 45 days of restriction, 45 days of extra duty, forfeiture of \$407 pay per month for two months, and reduction in rank to E-1. You were again counseled about your performance issues and warned that further misconduct may result in administrative separation processing.
10. On 19 May 1993, you were again counseled for overall poor performance and again warned of the potential consequences of additional misconduct.
11. On 16 June 1993, you commenced a period of UA that terminated on 14 July 1993.
12. On 16 July 1993, you commenced another period of UA that terminated on 6 August 1993.
13. On 10 August 1993, Commanding Officer, ██████████, ██████████ preferred charges against you for two specifications of violating UCMJ, Article 86 (a period of UA from 16 June to 14 July 1993, and a period of UA from 16 July 1993 to 6 August 1993).

¹ The Board found no associated records involving the recommendation for separation dated prior to 30 March 1993.

14. On 20 August 1993, you submitted a request for separation in lieu of trial by court martial. With your request, you acknowledged that you would receive an Other Than Honorable (OTH) discharge characterization and submitted a handwritten memorandum in which you stated that the reason you were UA was because you went home to care for your mother and your son. You also apologized for the trouble that you caused.

15. On 15 September 1993, the Staff Judge Advocate endorsed your request for separation in lieu of trial by court martial for two specifications of UA as reflected in the charges preferred against you.

16. Ultimately, your request was approved by the separation authority. On 29 September 1993, you were discharged from the Marine Corps with an OTH characterization of service and assigned a reentry code of RE-4.

In your request for correction to you the Board, you ask that your discharge characterization be upgraded from Other than Honorable and your narrative reason for separation be changed from "Misconduct" to something less derogatory. You contend that:

1. After suffering through racism, discrimination, and prejudice during recruit training, you were unjustly recommended for administrative separation due to a no-shave chit.
2. You suffer from a medical condition, Pseudofolliculitis Barbae (PFB) and were being processed out of the Marine Corps, as a pretext, on the basis for PFB, but had to wait for six months during which time your mother got sick.
3. Your mother was caring for your young child at the time because your child's mother was unable to do so due to substance abuse issues.
4. You asked your command for help but were ignored.
5. You made a mistake that you regret tremendously but that every action you took was to care for others.

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 assertion of being administratively separated on the pretext of your PFB condition, it found no substantiating evidence to support your allegation that it was being done as a pretext. Regardless, the Board observed that your misconduct commenced during the review of your separation recommendation. Since you were ultimately retained upon your return from UA, even after receiving non-judicial punishment, the Board did not find your contention to be probative to your subsequent misconduct or reason for separation. In the end, the Board noted that you admitted to committing the misconduct that formed the basis for your request to be discharge in lieu of trial

by court-martial. Therefore, the Board determined that the misconduct documented in your military record coupled with your request for a separation from military service in lieu of facing trial by court martial supports your administrative separation 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 challenging personal circumstances at the time of your misconduct to include your mother's illness and the caretaking needs of your child, your relative youth and immaturity at the time of your misconduct, the length of time that has passed since your discharge, your allegations of racism and unfair treatment, post-discharge commitment to your family and your faith, your 30 years of post-service accomplishments, the evidence you submitted in support of your application, the substantiating letter you provided, and your challenges of living with the stigma and consequences of the OTH 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, as documented in the two NJPs and in the August 1993 charge sheet, 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 committing misconduct. 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. Additionally, the Board noted that the misconduct that led to your request to be discharged in lieu of trial by court-martial was substantial and determined that you already received a large measure of clemency when the convening authority agreed to administratively separate you in lieu of trial by court-martial, thereby sparing you the stigma of a court-martial conviction and possible punitive discharge. Moreover, the Board was not persuaded by your contentions regarding your PFB condition and its relevance to your misconduct. As previously discussed, your record of misconduct commenced while you were being initially being considered for a separation based on a condition, not considered a disability. As a result, the Board concluded any delay or change in your administrative separation processing was caused entirely by your actions and did not result in an injustice or inequity. Finally, the Board was not persuaded by your contention that you received no command support. Every indication in your record, including the command's decisions not to process you for your PFB condition and to retain you despite your multiple incidents of misconduct, was that every option was exhausted in their attempts to rehabilitate your conduct issues. While the Board commends you for your post-service rehabilitation efforts and acknowledged the personal difficulties you endured at that time and since, ultimately, the Board concluded an upgrade of your discharge characterization of service is not warranted in the interests of justice. Based on the same rationale, the Board also determined your reason for separation remains appropriate.

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,

4/2/2026

