



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

██████████
Docket No. 2056-26
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 you did not file your application in a timely manner, the Board waived the statute of limitation in the interest of justice. A three-member panel of the Board, sitting in executive session, considered your application on 31 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 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 20 September 2004.
2. On 26 June 2005, after missing an overseas flight to execute your orders to ██████████ you remained absent until you were arrested by civilian authorities and returned to military custody on or about 9 August 2007. In a subsequent statement to your senior leadership, you indicated that you would not have returned to military authority if you had not been arrested. You were subsequently convicted in civil court of receiving known stolen property and carrying a loaded firearm.
3. Consequently, you were notified of processing for administrative separation by reason of misconduct due to commission of a serious offense and/or due to a civilian conviction. After consultation with legal counsel, you elected to voluntarily waive your right to request a hearing

before an administrative separation board. The recommendation for your discharge under Other Than Honorable (OTH) conditions was approved for the primary basis of misconduct due to commission of serious offense and you were so discharged on 1 November 2007.

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

1. Your discharge was inequitable and excessively harsh considering the circumstances.
2. Your age and [im]maturity at the time of the misconduct, the absence of mental health screening prior to your administrative separation, and your overall record of service prior to your unauthorized absence are mitigating circumstances.
3. Your separation proceedings failed to account for the stresses you were experiencing and for mitigating personal challenges you were confronting at that time.
4. In the 18 years since your discharge, you have lived honorably, building a stable career in the hospitality industry, with a demonstrated history of rehabilitation and responsible conduct.

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 admitted to going UA and did not dispute the civilian conviction that formed the basis of your administrative separation and OTH discharge. Therefore, the Board determined the presumption of regularity applies to 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 desire for an upgrade to your characterization of service, your contentions, the totality of your service to include service highlights, the non-violent nature of your misconduct, your relative youth and immaturity at the time of your misconduct, your claimed post-service rehabilitation efforts and accomplishments, 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. Your conduct was sufficiently serious to negatively affect the good order and discipline of your command. Further, the Board found that your civil arrest and conviction was service discrediting to the Marine Corps. Moreover, the Board noted you went UA in lieu of reporting to your first duty station and expressed your intention to desert from the Marine Corps. 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 did not provide any evidence in support of your contentions of rehabilitation and post-service accomplishments. While the Board also considered your age at the time, they noted

countless of other Marines enlist at the age of 18 and do not attempt to desert from the Marine Corps or get arrested by civilian authorities for receiving stolen property. Thus the Board was not persuaded by your contentions and, ultimately, 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 is attached 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,

4/16/2026

