



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

██████████
Docket No. 2239-26
Ref: Signature Date

████████████████████
████████████████████
████████████████████

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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 20 February 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 17 June 1996.
2. You received four administrative counseling warnings between May of 1997 and December of 1998 for misconduct that included violating a base order by possessing a firearm in your barracks room, unauthorized absence (UA) from your appointed place of duty, issuing checks with insufficient funds, failure to follow orders, dereliction of duty, irresponsibility, and immaturity.
3. On 3 February 1999, you were UA, in violation of Article 86, UCMJ, for which were received non-judicial punishment (NJP). You subsequently received additional administrative counseling, on 12 February 1999, regarding missing gear, with a directive that you were required to obtain and maintain all accountable gear and a plan to assist you in complying.

4. On 22 February 1999, you accepted nonjudicial punishment (NJP) for violating of Article 134, Uniform Code of Military Justice (UCMJ), due to failure to pay a just debt of a \$1700 telephone bill.

5. On 6 April 1999, you were tried by Special Court-Martial (SPCM) and convicted, consistent with your pleas, for UCMJ offenses, to include: Article 86, for being absent without authority until apprehended, Article 121, for wrongful appropriation of another Marine's automobile, and, Article 134, for breaking restriction. You were sentenced to reduction to the lowest paygrade of E-1, 90 days confinement with forfeiture of pay, and a Bad Conduct Discharge (BCD). The findings and sentence of your SPCM were affirmed by appellate review and you were discharged on 21 February 2003.

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. While the Board carefully considered your contention for mitigation, the Board noted you did not deny committing the misconduct that formed the basis for your SPCM conviction. Therefore, the Board determined the presumption of regularity applies to your punitive 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, desire for a upgrade to your characterization of service, your contentions, the totality of your service, 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, the harshness of your punishment, 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 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. Additionally, 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. While the Board considered your need for benefits to address your desire for housing, they determined the severity of your misconduct outweighed any mitigation resulting from those factors. Even taking into consideration your youth and immaturity, harshness of your punishment, and its negative effect on your life, the Board found that the misconduct committed while on active duty outweighed the mitigation evidence offered.

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,

3/19/2026

