



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

██████████
Docket No. 2673-26
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER ██████████
██████████ USMC

Ref: (a) 10 U.S.C. § 1552
(b) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 w/ enclosures

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board) requesting that his discharge characterization of service be upgraded. Enclosure (1) applies.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 31 March 2026 and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, applicable statutes, regulations, and policies, to include reference (b).

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although Petitioner's 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 the case on its merits.

c. Petitioner enlisted in the Marine Corps and began a period of active duty on 27 January 1998.

d. On 31 August 1998, Petitioner was issued administrative counseling advising him that he was being dropped from the Marine Air-Ground Task Force intelligence course due to poor performance and after controlling and storing classified material in violation of instructions.

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e. On 23 November 1998, Petitioner was issued administrative counseling advising him that he was being placed on remedial physical fitness training (PT) due to unsatisfactory performance of duty by failing his physical fitness test (PFT).

f. On 20 April 1999, Petitioner received additional administrative counseling after he was questioned by military police while trying to get a pass onto base. Upon questioning, he had admitted to consuming alcohol under the legal underage.

g. On 30 April 1999, Petitioner accepted nonjudicial punishment (NJP) for a violation of Article 86, Uniform Code of Military Justice (UCMJ), after he failed to go at the time prescribed to remedial PT.

h. On 23 June 2000, Petitioner was counseled after missing his remedial PT.

i. On 16 August 2000, Petitioner received a second NJP of violating Article 86, UCMJ, with two periods of unauthorized absence (UA) of 2.5 and 4 hours, respectively, and for violating Article 90, UCMJ, by willfully disobeying a superior commissioned officer. Following this NJP, he was issued administrative counseling warning him that failure to correct his deficiencies or further misconduct could result in adverse administrative action.

j. On 3 October 2000, Petitioner received a third NJP for numerous UCMJ violations, to include: Article 86, for a UA from psychiatrist appointment; Article 91, for disrespectful language toward a corporal; Article 92, for walking away after having received a lawful order from a sergeant to come back; Article 92, for failure to obey lawful orders to clean his room and prepare his wall locker for inspection; and, Article 92, for failure to appear for an appointment after being ordered to do so by his first sergeant.

k. On 5 October 2000, a mental health evaluation determined Petitioner was not mentally ill and was responsible for his behavior and conduct. At that time, he was diagnosed with having a severe Personality Disorder (PD).

l. Consequently, Petitioner was notified of processing for administrative separation by reason of misconduct due to a pattern of misconduct. He elected to voluntarily waive his right to request a hearing before an administrative discharge board.

m. Commanding General, [REDACTED] approved Petitioner's administrative separation under Other Than Honorable conditions and Petitioner was so discharged on 26 November 2000.

n. Petitioner contends that he incurred a service-related physical injury and experienced untreated mental health issues, to include depression, which he believes were not fully considered at the time of his discharge with respect to their mitigating effect on his repeated UAs. In the years since his discharge, he states that he has had exemplary service in public healthcare as a nurse and paramedic. In support of his contentions of post-service character and accomplishments, in addition to evidence of his academic credentials, he submitted a letter of support discussing his progress in the medical field, which included working as an emergency

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flight medic and working in the intensive care unit. That letter was purportedly provided on his behalf by a retired Army Sergeant Major, who opined that Petitioner's post-service conduct warrants an upgrade of his discharge characterization.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concluded that Petitioner's request warrants relief.

The Board initially concluded Petitioner was appropriately processed for administrative separation based on his record of misconduct. The Board noted Petitioner did not deny committing the misconduct that formed the basis of his administrative separation and OTH discharge. Therefore, the Board determined the presumption of regularity applies to Petitioner's administrative separation and no error exists with his 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, Petitioner's desire for an upgrade to his characterization of service, his contentions, the totality of his service, his relative youth and immaturity at the time of his misconduct, his rehabilitation efforts, his post-service record of accomplishments, his service to his community, his claimed mental health issues, the evidence he provided in support of his application, the character reference he provided for review, and the passage of time since his discharge.

The Board found that the mitigating factors were sufficient to justify equitable relief. Specifically, the Board found that the severity of Petitioner's misconduct was outweighed all of the mitigating factors combined. In particular, the Board placed significant weight on Petitioner's evidence of post-discharge character and accomplishments, observing that Petitioner has committed himself to the high stress, demanding field of nursing and emergency medical care, which the Board found to reflect significant rehabilitation of his previous objectionable conduct during his Marine Corps service. In making this finding, the Board also considered the significant passage of time since Petitioner's discharge, his youth, and, most importantly, the existence of his severe PD. Since a PD is considered a life-long characterological disorder, the Board found Petitioner's post-service accomplishments noteworthy and a remarkable example of rehabilitation effort that supports relief in cases involving a record of misconduct similar to Petitioner's. Additionally, despite the absence of any direct evidence that the Petitioner has expressed remorse or taken full responsibility for his actions, his rehabilitation efforts suggest he has done so. Thus, the Board found that the totality of favorable matters in support of clemency outweighed the pattern of misconduct which resulted in Petitioner's other than honorable discharge and determined it was in the interests of justice to upgrade his characterization of service to General (Under Honorable Conditions) and change his reason for separation to reflect a Secretarial Authority discharge.

Notwithstanding the recommended corrective action below, the Board determined the evidence does not support an Honorable discharge or a change to Petitioner's reentry code. While the Board noted that flawless service is not required to receive an Honorable characterization of

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service, the nature, frequency, and gravity of Petitioner's misconduct led them to conclude that his service was not Honorable. In making this determination, the Board also considered that it already recommended granting significant clemency in Petitioner's case. Finally, the Board believed that it would be unjust to characterize Petitioner's less than honorable service in the same manner as the service of the thousands of service members who, unlike Petitioner, honorably completed their enlistments without engaging in misconduct warranting the early curtailment of their service. Based on the same rationale and his continued unfitness for military service, the Board determined Petitioner's reentry code remains appropriate.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating that, for the period ending on 26 November 2000, he was discharged with a "General (Under Honorable Conditions)" characterization of service, separation authority of "MARCORSEPMAN par 6214," narrative reason for separation of "Secretarial Authority," and separation code of "JFF1." That all other information currently listed on Petitioner's DD Form 214 remains the same.¹

That no further changes be made to Petitioner's record.

A copy of this report of proceedings be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above-entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

4/16/2026

[REDACTED]

¹ The Board noted that a DD Form 215 was issued on 11 April 2001 correcting a number of blocks on Petitioner's DD Form 214. Information contained in the DD Form 215 should be incorporated into the new DD Form 214, as applicable, unless it contradicts the recommendations of this Board.