



**DEPARTMENT OF THE NAVY**  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

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Docket No: 0463-22  
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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 4 February 2022. 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 Kurta Memo and the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice or clemency determinations (Wilkie Memo).

Your enlistment records indicate that you enlisted under an 8-year reserve option enlistment and began a period of active service on 17 November 1999. You completed your obligated period of active service and were honorably discharged into the Marine Corps Reserve on 10 May 2000. With the exception of a missed drill worksheet on 23 March 2001, your service in the Marine Corps Reserve appears to have progressed without incident until March 2003, at which time your record contains a counseling entry that you were not recommended for promotion to Corporal/E-4 due to unauthorized drill absences. Beginning in March of 2003, you received multiple notification letters regarding unauthorized absences from scheduled drills to include:

- 21 March 2003 (2 missed drills)
- 24 March 2003 (2 missed drills)
- 10 August 2003 (7 missed drills)
- 14 September 2003 (4 missed drills)
- 11 January 2004 (5 missed drills)
- 22 February 2004 (5 missed drills)
- 21 March 2004 (5 missed drills)

On 24 August 2004, via certified mail to your last known address, your command notified you of administrative discharge proceedings for the basis of unsatisfactory performance in the Ready Reserve, following 29 unauthorized absences from scheduled drills from March of 2003 through March of 2004. On 21 September 2004, your command documented your failure to respond to the notification and continued processing your separation, which was approved on 9 December 2004, resulting in your discharged with an other than honorable characterization of service.

The Board carefully weighed all potentially mitigating factors, to include but not limited to, your contentions: that you were unaware your characterization of discharge; that you believed you had coordinated “pre-drills” worth approximately 4 months’ worth of drill days to cover a period of absence for at least a year while you travelled abroad to study French; that you had at least 40 extra drills to cover the 29 drills your administrative separation referenced; that you believe a clerical error resulted in these “pre-drills” and orders not being documented in your record; that you were only informed those drills did not count after returning, at which point the deficit of missed drills was too great a financial burden to make up; and, in light of the totality of circumstances and your otherwise honorable service during the time you did serve, that an other than honorable characterization is unduly harsh, bordering on punitive. To this extent, the Board also considered your evidence of post-service clemency, which included your associate’s degree in French, your 2019 black belt certificate in jujitsu, and your Doctor of Philosophy degree from the University of California ██████████, as well as your current employment as a “scientist.”

In regard to your period of obligated service and drilling periods, the Board noted several significant factors: first, there is no evidence to support your contention that you coordinated in advance to complete drills; second, even if you had completed drills in advance for a specific year, that the crediting of drill periods does not cross fiscal years; third, that your rendition of events regarding the problems you encountered upon returning to drill after your initial absence is not supported by the information documented in the contact worksheets in your record; and, finally, that your commitment as a drilling reservist is not excused by a generalized financial burden. Additionally, the Board noted that your unexcused absences spanned an extensive period during which thousands of service members, to include activated reservists, were deployed in support of active combat operations.

After a thorough review of your record and contentions, the Board found no evidence of error or injustice in your administrative discharge. The Board observed that your reserve unit took appropriate steps to secure your presence at required drills and, after your continued and willful absences, properly processed you for administrative discharge. Your unit documented its efforts to contact you as well as your lack of response. The Board determined that you displayed little regard to your military commitment and failed to make contact with your Reserve unit despite only completing approximately half of your service obligation. As a result, the Board determined that your contended lack of awareness of the adverse nature of your characterization of service resulted, at best, from your failure to ensure that you provided requisite recall information to your reserve unit. Therefore, based upon its review, the Board concluded that the potentially mitigating factors you submitted were insufficient to warrant relief. Specifically, the Board determined that your misconduct evidenced by 29 unexcused absences from drill, outweighed those mitigating factors. 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,

2/22/2022

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Executive Director

Signed by: █