



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

Docket No: 475-21



Ref: Signature Date



Dear 

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 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 application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 24 February 2021. 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).

You enlisted in the Marine Corps Reserve on 21 May 1997. During the period from October 2001 to January 2003, you accumulated 39 unauthorized absences from scheduled drills. On 15 November 2002, your commanding officer (CO) notified you by certificated mail of his intentions to recommend that you be separated from the Marine Corps Reserves due to failure to participate in scheduled drills. You failed to return acknowledgement which resulted in the waiver your rights. On 27 January 2003, your CO forwarded your package to the separation authority recommending your separation with an other than honorable (OTH) characterization of service due to failure to participate in scheduled drills. On 20 March 03, the Commanding General approved your CO's recommendation, and on 9 April 2003, you were separated from the Navy.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Wilkie Memo. These included, but were not limited to, your desire to upgrade your discharge and contentions that your superiors bullied you, your Sergeant Major withheld your promotions, and you stopped going to drills because your supervisors were holding you down. The Board also noted your certificates, letters, and Good Conduct Medal, and assertion that you took new recruits under

your wing and showed them the “dos and don’ts” of the unit. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your failure to attend scheduled drills, outweighed these 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 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,

03/05/2021

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