



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

█
Docket No: 6411-21
Ref: Signature Date

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Dear █

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 application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 1 November 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, 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 Reserves (USMCR) and began a period of active duty on 27 December 1989. On 10 August 1990, you were discharged with an honorable (HON) characterization of service by reason of completion of service required. On 26 November 1990, you began a second period of active duty service in support of █ and █. On 8 February 1991, you were counseled for unsatisfactory Participation in the USMCR. You were advised that failure to take corrective action could result in administrative separation. On 13 May 1991, you were discharged with an HON characterization of service by reason of completion of service. On 14 May 1991, you began a third period of active duty service. On 21 July 1991, you were counseled for unsatisfactory participation in the USMCR. You were advised that failure to take corrective action could result in administrative separation. On 11 January 1992, your commanding officer (CO) notified you about your reduction to the rank of Private First Class by reason of unsatisfactory participation in the USMCR. On 12 January 1992, you received a notice of unsatisfactory participation in the USMCR. You were

advised that failure to take corrective action could result in assignment to involuntary restricted duty, possible other than honorable (OTH) discharge, or involuntary transfer to Inactive Ready Reserves (IRR). On 15 January 1992, you were notified of initiation of administrative separation proceedings by reason unsatisfactory participation in the USMCR. On 19 January 1992, you elected to waive all your procedural rights. On 1 February 1992, your CO recommended and OTH discharged characterization of service by reason of unsatisfactory participation in the USMCR. On 7 March 1992, you received a notice of unsatisfactory participation in the USMCR. You were advised that failure to take corrective action could result in assignment to involuntary restricted duty, possible other than honorable (OTH) discharge, or involuntary transfer to Inactive Ready Reserves (IRR). On 6 July 1992, your administrative separation proceedings were determined to be sufficient in law and fact. On 10 July 1992, the discharge authority approved and ordered an OTH discharge characterization of service by reason of failure to participate in the USMCR. On the same date, you were discharged.

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 contentions that you served during █ and █, and you were a young men who failed to appreciate how damaging your actions were towards your commitment to this country and your unit. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your repeated misconduct, as evidenced by your NJPs, outweighed these mitigating factors. The Board noted you did not submit any documentation or advocacy letters to be considered. 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 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,

11/29/2021

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Executive Director

Signed by: █