



**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: 7705-21

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 application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 12 January 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, 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 3 March 1987. On 13 July 1987, you were counseled concerning the safeguard of your military identification card. You were advised that failure to take corrective action could result on possible nonjudicial punishment. On 30 July 1987, you were discharged with an honorable discharge characterization of service by reason of completion of required active duty service. On 13 March 1988, you were counseled concerning mandatory participation requirements in the USMCR. You were advised that failure to attend drills could result in assignment to involuntary active duty, or administrative separation with an other than honorable (OTH) discharge characterization of service. On 19 July 1989, a civilian medical provider performed surgery for fixation of your right clavicle. You were released from the hospital as an ambulatory patient and instructed to follow up in one week. On 15 October 1989, you were counseled concerning mandatory participation requirements in the USMCR. On 5 November 1989, you were reduced to the rank of E-1 as a result of missing drills. On 15 October 1989, you were counseled concerning mandatory participation requirements in the USMCR. From a period beginning on 13 October 1990 to 7 April 1991, you were excused from mandatory drills on 18 occasions. On 13 May 1991, you failed to report for scheduled drills. On the same date, your commanding

officer (CO) sent you a letter of unsatisfactory participation in the USMCR, and a notice of reduction in rank. On 6 September 1991, you were counseled concerning mandatory participation at drills and the requirement of be present at the time of muster. You were advised that failure to report will be considered as unauthorized absence and that you must make up the drill without pay. You were also advised that failure to report on time could result in administrative separation. On 8 September 1991, your CO sent you a notification of unsatisfactory participation in the USMCR and your statement of rights. On the same date, you failed to complete your statement of rights. On 17 September 1991, you were notified of the initiation of administrative separation proceedings by reason of unsatisfactory participation in the USMCR, at which point, you failed to acknowledge receiving notification. On 10 October 1991, your CO recommended an OTH discharge characterization of service by reason of unsatisfactory participation in the USMCR and not a discharge under medical circumstances. On 21 November 1991, your administrative separation proceedings were determined to be sufficient in law and fact. On 25 November 1991, the discharge authority approved and ordered an OTH discharge characterization of service by reason of failure to participate in the USMCR. On 13 December 1991, 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 were informed by a Navy doctor that you would receive a medical discharge from service, you were examined by a MEPS doctor and were told that you would be medically separated, and you were under the impression that you were given a medical discharge vice an OTH discharge. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. The Board noted you did submit medical documentation from Saint Luke's Hospital to be considered. However, the Board determined that the severity of your misconduct, namely missing multiple drills and not responding to multiple attempts by your command to return you to drilling status, warranted an OTH characterization of service. 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,

1/26/2022

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Executive Director  
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