



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

■  
Docket No: 0895-22  
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 2 March 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 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice or clemency determinations (Wilkie Memo).

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You enlisted in the Marine Corps Reserves, and began a period of active duty for training from 9 January 1986 through 8 May 1986. You received an honorable characterization for the period of active duty service and subsequently continued your reserve enlistment. On 15 November 1988, you were informed that you were declared an unsatisfactory participant in the Selected Marine Corps Reserve due to your excessive unexcused drills. Subsequently, you were notified via certified mail of your commanding officer's (CO) intent to recommend you for administrative separation from the Marine Corps Reserve on the basis of your unsatisfactory participation due to your unauthorized absences (UAs) for 25 drill periods.

The notification advised that if separation was approved, the least favorable description of service authorized in your case would be under other than honorable (OTH) conditions. The notification further advised you of your right to consult with counsel. The notification letter was sent to you via certified mail. However, you failed to respond to the notification, thus, waiving your procedural rights, including your right to present your case before an administrative discharge board. The CO then forwarded your administrative separation package to the separation authority (SA) recommending your administrative separation from the Marine Corps Reserves with an OTH characterization of service. The staff judge advocate review of the proposed discharge found the separation proceedings sufficient in law and fact. The SA approved the CO's recommendation and directed your administrative separation from the Marine Corps Reserve with an OTH characterization of service. On 14 November 1989, you were so 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 submission of supporting documentation and desire to upgrade your character of service. The Board also considered your contentions that: (a) you believe there were significant issues with your "initial enlistment" as well as your discharge; (b) you were informed that your waiver you received for your hearing was never granted, and you had to have another test done; (c) you were scheduled to have a test done, but the corpsman never called you explaining the details of what you needed to do or where you needed to go; (d) you were then informed by your Platoon Leader, because you did not go to your appointment, that it was your responsibility to schedule your next appointment; (e) because you were young, in school, working part time, and did not have insurance to be able to go and get your test, it was at this point you decided that you could not afford to pay for the test, and you stopped going to drills; and (f) this was the biggest mistake in your life and it has haunted you ever since.

Based upon this review, the Board commends you for your post service accomplishments; however, the Board concluded your potentially mitigating factors were insufficient to warrant relief given your unsatisfactory participation in the Marine Corps Reserves as evidenced by your 25 unexcused absences. Additionally, the Board concluded that your characterization of service was warranted as evidenced by your misconduct. 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,

3/21/2022



Executive Director

Signed by: █