



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: 1008-22

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 application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 28 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, 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 (USMCR) and began a period of active duty on 14 March 1994. On 10 September 1994, you were discharged with an honorable discharge characterization of service by reason of completion of required service. From a period beginning on 11 December 1995 to 4 December 1996, you were counseled in three occasions for unexcused absences from USMCR mandatory drills. You were advised that failure to take corrective action could result in administrative separation. On 21 February 1998, you were credited with unexcused absence to nine mandatory drills. On 8 January 2000, you were notified via certified mail of the initiation of administrative separation proceedings by reason of unsatisfactory

participation in the USMCR, at which point, you elected not to respond or exercise your procedural rights. On 15 February 2000, you were administratively reduced to the rank of private first class. On 15 March 2000, your commanding officer recommended an other than honorable (OTH) discharge characterization of service by reason of unsatisfactory participation in the USMCR. On 2 June 2000, the discharge authority approved and ordered an OTH discharge characterization of service by reason of failure to participate in the USMCR. On 22 June 2000, 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 contention that you were erroneously discharged from the USMCR after returning all your gear and turning down a reenlistment bonus. In addition, the Board considered your contention that you believed that you had fulfilled your commitment and elected not to dispute your discharge. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your record of numerous unexcused absences to mandatory drills, outweighed these mitigating factors. In making this finding, the Board considered the fact you were counseled on the consequences of missing mandatory drills and continued to do so. Further, the Board did not find your assertions of checking out of the command credible. Finally, 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,

3/21/2022

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Executive Director
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