



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

█  
Docket No: 2568-22  
Ref: Signature Date

█  
█  
█  
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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 29 April 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 to the Kurta Memo and 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 under a reserve contract option and began a period of active service on 6 June 1984. In addition to your enlistment contract, you also signed a statement of understanding acknowledging your obligations under a reserve option contract. You were discharged into the Ready Reserve upon completion of your required entry-level active service on 28 August 1984. From February of 1985 through May of 1986, you received 12 counseling entries in relation to unsatisfactory drill attendance due to failure to attend scheduled drills. Your record reflects that you did not respond to calls in spite of numerous attempts your command made to contact you. In April and May of 1986, your command mailed two letters advising you that failure to attend regularly scheduled drills could result in processing you for administrative separation under other than honorable conditions. On 14 May 1986, you were formally notified that you were being processed for separation due to unsatisfactory participation. You signed an acknowledgment of rights on 16 June 1986, waiving consultation with legal counsel and waiving your right to a hearing before an administrative board. Prior to forwarding your discharge,



Commanding Officer, [REDACTED] Marines, directed consideration of your assignment to involuntary active duty; however, your commanding officer determined that you did not meet established criteria and forwarded the request for your separation. Your discharge under Other Than Honorable conditions (OTH) due to failure to participate in the Ready Reserve was approved by the Commanding General, [REDACTED] Marine Division on 10 October 1986.

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. The Board carefully weighed all potentially mitigating factors, such as your desire to upgrade your characterization of service and your contentions that your discharge was unduly harsh under the circumstances because you were discharged during peacetime conditions, you were not given an opportunity to correct your deficiencies, your command focused only on missed drills to the exclusion of your quality of service, that you were punished disproportionately compared to Marines who have committed worse misconduct, and your belief that your discharge would not be an option under current standards. The Board also considered your contentions of post-discharge clemency matters, to include your history of employment, your dedication as a parent, and your youth and immaturity in balancing competing life obligations at the time of your discharge. To this extent, the Board noted, first, the extreme administrative burden your command undertook in its efforts to communicate with you regarding required drills and, in fact, to assist you in the opportunity to correct your deficiencies. However, although you claim contriteness for your past misconduct, the Board observed that the disregard you demonstrated by your excessive unsatisfactory participation is still evident in your current lack of remorse, as reflected by your contention that your discharge was unduly harsh simply because you elected to remain absent from your obligated drill duty "during what we call, peace time." Based on these factors, the Board concluded that the potentially mitigating factors you submitted for consideration were insufficient to outweigh the severity of your failure to participate as a drilling reservist. As a result, the Board concluded your conduct constituted a significant departure from that expected of a Marine and continues to warrant an OTH characterization. After applying liberal consideration, the Board did not find evidence of an error or injustice that warrants upgrading your characterization of service or granting clemency in the form of an upgraded characterization of service. Accordingly, 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 is attached 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,

5/16/2022

[REDACTED]

---

Executive Director  
Signed by [REDACTED]