




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

  
Docket No: 2989-22  
Ref: Signature Date

  
Dear Petitioner:

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 1 June 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).

You enlisted in the Marine Corps Reserve and commenced a period of active duty on 15 June 1984. According to the information in the record, during the months of May and June 1985, January 1986 through December 1986, and January 1987 through April 1987, you were not recommended for promotion due to accrual-unexcused absences and unsatisfactory participation in scheduled drills. On 3 April 1987, you were transferred to the Inactive Ready Reserve (IRR). On 17 January 1990, you were discharged with a General (Under Honorable Condition) characterization of service due to expiration of enlistment.

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 desire to upgrade your discharge and contentions that you were not able to attend drills due to attending college that was 2.5 hours away, you had no way of getting to your reserve unit, and you need Department of Veterans Affairs (DVA) benefits

because you were diagnosed with prostate cancer. For purposes of clemency consideration, the Board noted you did not provide supporting documentation describing post-service accomplishments, or advocacy letters.

Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your failure to attend scheduled drills and final average marks of 1.0, outweighed these mitigating factors. In making this finding, the Board was not persuaded by your arguments regarding the distance between your unit drill site and your school. The Board determined that your choice to attend school, that caused an inconvenient travel distance for you, was a personal decision that had no bearing on your obligation to attend your scheduled drills. In addition, the Board considered that you were not administratively processed for misconduct that, most likely, would have resulted in a Other Than Honorable characterization of service. Based on this factor, the Board determined you already received a large measure of mitigation from the Marine Corps based on your described circumstances. Finally, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating VA benefits, or enhancing educational or employment opportunities. As a result, the Board concluded that the preponderance of the evidence supports a finding that negative aspects of your service outweighed the positive aspects and continues to warrant a General (Under Honorable Conditions) 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 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,

6/10/2022

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