



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

█
Docket No: 3531-22
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 3 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 United States Marine Corps Reserves (USMCR) and completed your required active period of service from 2 March 2015 to 20 November 2015. Subsequently, you were transferred to inactive duty. During your service in the USMCR you received five negative counseling statements due to your failure to complete Professional Military Education (PME). Further, your record reflects 2019 was an unsatisfactory year of service in the USMCR. Although your record was incomplete, in that your complete separation proceedings were not in your military record, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary will presume that they have properly discharged their official duties. Your record documents on 23 December 2020, you were discharged due to your unsatisfactory participation, and you were issued a RE-4 reentry code.

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 your desire to change your reentry code to allow you the ability to reenlist in the USMC. 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 complete PME and satisfactorily participate with your unit outweighed these mitigating factors. In making this finding, the Board considered the likely negative impact your conduct had on your unit and your lack of professionalism. As a result, the Board concluded that your record of service continues to warrant a RE-04 reentry code. After applying liberal consideration, the Board did not find evidence of an error or injustice that warrants changing your reentry code or granting clemency in your case. Accordingly, given the totality of the evidence in your case, the Board determined relief was not warranted.

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,

6/17/2022



Executive Director

Signed by:

