



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

█  
Docket No. 6054-22  
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER █  
█ USMCR

Ref: (a) 10 U.S.C. § 1552  
(b) USD (P&R) Memo, "Guidance to Military Discharge Review Boards and Boards for Correction of Military / Naval Records Regarding Equity, Injustice, or Clemency Determinations," 25 July 2018

- Encl:
- (1) DD Form 149 with attachments
  - (2) DD Form 4/1, Enlistment/Reenlistment Document – Armed Forces of the United States, 12 July 1982
  - (3) CMC Memo 1131 MRRO-2-jmb, subj: Disenrollment from the Platoon Leaders Class Program, 10 September 1984
  - (4) NAVMC 118(11), Administrative Remarks, 3 August 1986
  - (5) Headquarters and Service Company, Headquarters and Service Battalion, █  
CO Memo 1900 ADMIN, subj: Notification of Deficient Performance/Conduct, 14 September 1987
  - (6) █ Memo 1900 ADMIN, subj: Report on Personal Visit(s), 9 May 1987
  - (7) NAVMC 118(11), Administrative Remarks
  - (8) █ Memo 1900 ADMIN, subj: Report on Personal Visit(s), 5 October 1987
  - (9) Headquarters and Service Company, Headquarters and Service Battalion, █  
CO Memo 1900 ADMIN, subj: Notification of Separation Proceedings, 9 December 1987
  - (10) █ Memo 1900 ADMIN, subj: Report on Personal Visit(s), 6 December 1987
  - (11) Affidavit of Service by Mail, 9 December 1987
  - (12) Headquarters and Service Company, Headquarters and Service Battalion, █  
CO Memo 1900 ADMIN, subj: Recommendation for Administrative Discharge by Reason of Unsatisfactory Participation in the Ready Reserve for [Petitioner], 17 February 1988
  - (13) █ CG Memo 1900, subj: Administrative Discharge; Case of [Petitioner], 4 March 1988
  - (14) DFAS Letter, 6 June 1995
  - (15) USMC Training Command CG Memo 1000 C47, subj: Letter of Recommendation in the case of [Petitioner], 27 July 2022
  - (16) HQMC Memo Deputy Commandant Memo 1000 PP&O, subj: Letter of Recommendation in the case of [Petitioner], 2 August 2022

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED]  
[REDACTED] USMCR

(17) MAGTF Training Command CG Memo 1000 CG, subj: Letter of Recommendation and Reference for [Petitioner], 3 August 2022

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records, hereinafter referred to as the Board, requesting that his characterization of service be upgraded to honorable; that his rank be restored to Corporal/E-4; and that administrative counseling entries from September and October 1987 be removed from his record.<sup>1</sup>
2. The Board reviewed Petitioner's allegations of error or injustice on 31 October 2022 and, pursuant to its regulations, determined that no corrective action should be taken on Petitioner's naval record. Documentary material considered by the Board included the enclosures, relevant portions of Petitioner's naval records, and applicable statutes, regulations, and policies, to include reference (b).
3. The Board, having reviewed all of the evidence of record pertaining to Petitioner's allegations of error or injustice, found as follows:
  - a. Petitioner enlisted in the U.S. Marine Corps Reserve (USMCR) on 12 July 1982 for a period of six years.<sup>2</sup> See enclosure (2).
  - b. By memorandum dated 10 September 1984, Petitioner was notified that he was being disenrolled from the Platoon Leaders Class Program after having been found not to be physically qualified. See enclosure (3).
  - c. On 3 August 1986, Petitioner was counseled for being eligible but not recommended for promotion due to his failure to complete the Marine Corps Non-Commissioned Officer (NCO) Course. See enclosure (4).
  - d. On 14-15 March 1987, Petitioner missed his scheduled drill period. See enclosures (5) and (7). When contacted about this missed drill period, Petitioner informed his platoon sergeant that he was studying for final examinations and had forgotten. See enclosure (12).
  - e. On 12 April 1987, Petitioner missed another scheduled drill period. See enclosures (5) and (7). When asked why he failed to return to drill on this date, Petitioner stated that he knew he had drill but he had to visit a client that day. See enclosure (12).

---

<sup>1</sup> This application constitutes a request for reconsideration the Board's previous denial of his request for relief in Docket No. 08118-08. The character references discussed herein constitute the new matters not previously considered which justified such reconsideration.

<sup>2</sup> Petitioner received educational assistance as an enlistment incentive. Specifically, he received 100 percent of educational expenses, including tuition, fees, book, laboratory fees, and shop fees until he completed a course of instruction resulting in a Baccalaureate Degree, not to exceed \$1,000 in an 12-month period nor a total of \$4,000. Petitioner agreed that if his enlistment was terminated as a result of unsatisfactory participation, he would be required to refund an amount equal to the product of number of months of obligated service remaining in his term of enlistment divided by the total number of months of obligated service, and the total amount of educational assistance provided.

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED]  
[REDACTED] USMCR

f. On 9 May 1987, Petitioner was counseled for his unsatisfactory drill participation and advised that failure to take corrective action may result in administrative separation or judicial proceedings. He was also informed that the tuition assistance he received from the Marine Corps would be recouped if he failed to make up his missed drill dates and attend future drill dates. Petitioner assured the NCO who notified him of this that he would make up his missed drill periods and attend all future drills. See enclosures (6) and (7).

g. On 12-13 September 1987, Petitioner missed another scheduled drill period. See enclosures (5) and (7). When asked why he failed to attend this drill period, Petitioner stated that he had begun to accumulate clients for his insurance business and weekends were the most convenient time to see them. See enclosure (12).

h. By memorandum dated 14 September 1987, Petitioner was formally notified of his unsatisfactory performance and/or conduct in the USMCR based upon the above referenced missed drill periods. He was advised that any further deficiencies in his performance and/or conduct may result in disciplinary action and/or processing for administrative discharge, and that any more unexcused absences would result in his reduction to the next lower grade.<sup>3</sup> See enclosure (5).

i. On 3-4 October 1987, Petitioner missed another scheduled drill period. See enclosure (7).

j. On 5 October 1987, an officer from Petitioner's command visited him at his residence to determine the reason for his unsatisfactory drill attendance after he had repeatedly evaded her telephone calls. Petitioner informed the officer that it was his intent to pursue his career in the insurance field without the "interference" of his USMCR obligation. This officer reminded Petitioner that he assumed this obligation of his own volition, but reported that her pleas fell on deaf ears. Before departing, this officer asked Petitioner to attend the next regularly scheduled drill period and to commence a program to return to good drill status. See enclosure (8).

k. On 14-15 November 1987, Petitioner missed another scheduled drill period. See enclosure (9).

l. On 5-6 December 1987, Petitioner missed another scheduled drill period. See enclosure (9).

m. On 6 December 1987, the officer discussed in paragraph 3j above made several unsuccessful attempts to visit Petitioner at his residence to discuss his continued unsatisfactory drill attendance, before ultimately leaving a note on his door. See enclosure (10).

n. By memorandum dated 9 December 1987, Petitioner was notified that he was being recommended for administrative separation from the USMCR by reason of unsatisfactory participation in drills.<sup>4</sup> See enclosure (9).

---

<sup>3</sup> Petitioner acknowledged receipt of this notice via certified mail on 23 September 1987.

<sup>4</sup> Petitioner's record reflects no evidence that Petitioner ever responded to this notice or elected his rights with regard to the administrative separation, but did contain evidence that the notification was sent via certified mail. See enclosure (11). The presumption of regularity applies in this regard.

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED]  
[REDACTED] USMCR

o. By memorandum dated 17 February 1988, Petitioner's commander recommended that he be separated from the USMCR under other than honorable (OTH) conditions by reason of unsatisfactory participation in the ready reserve. See enclosure (12).

p. By memorandum dated 4 March 1988, the separation authority directed that Petitioner be administratively discharged from the USMCR under OTH conditions for failure to participate.<sup>5</sup> See enclosure (13).

q. By letter dated 6 June 1995, the Defense Finance and Accounting Service (DFAS) notified Petitioner that it had received documentation which cleared his tuition assistance indebtedness. See enclosure (14).

r. Petitioner attributes his discharge to his own lack of organization as well as that of his USMCR unit. He asserts that he was looking for a way to cut drill time from the back end of his enlistment because the job he had accepted was going to require a tremendous amount of travel, and that he was provided two options toward this end: (1) Perform duties at the reserve unit during his three-week Christmas break in support of the [REDACTED]rea Toys-for-Tots drive, which he did during his senior year without pay in December 1987; or (2) Agree to repay the Marine Corps Tuition Assistance Program for the funds that he received for the time he would not be actively drilling, which he claimed was paid immediately after graduation and was not recorded until 1995 due to "lost records." He acknowledged that there is little evidence of the Toys-for-Tots option, because he did not follow up and the unit did not supervise or record this duty. Petitioner also claims that there are errors in his record, as enclosure (7) reflects that he was counseled for unsatisfactory participation but does not reflect the alternative options that he was provided. He further claims that enclosure (7) is erroneous in that it reflects counselings in August and October 1987 which never occurred, as his last contact with the unit was in May 1987.<sup>6</sup> See enclosure (1).

s. Petitioner's application included several letters of support from active Marine Corps flag officers:<sup>7</sup>

(1) By letter dated 27 July 2022 [REDACTED], Commanding General, United States Marine Corp [REDACTED] provided a recommendation on Petitioner's behalf. [REDACTED] was Petitioner's fraternity brother at the University of [REDACTED] and credits Petitioner with inspiring his own Marine Corps career. He attested to Petitioner's pride in the Marine Corps, and Petitioner's civic- and service-related philanthropic efforts. Specifically, he reported that Petitioner remains active in mentoring young members of their fraternity, and was an organizer and contributor to an annual Cystic Fibrosis charity golf tournament. He also reported that Petitioner organized a group that provided care packages to his battalion while deployed in Iraq in 2005, and has served as a mentor to his own son during

<sup>5</sup> Petitioner asserts in enclosure (1) that he was separated from the USMCR with a general discharge. Per enclosure (13), however, he was separated under OTH conditions.

<sup>6</sup> These entries were unsigned by Petitioner.

<sup>7</sup> Petitioner's application also included character references from a retired Marine Corps colonel, who was a fellow graduate of the University of [REDACTED] and a staff officer in his command, and from Petitioner's current employer.

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED]  
[REDACTED] USMCR

his deployments. [REDACTED] asserts that Petitioner's reserve unit failed to honor its agreement with Petitioner to permit him to fulfill his drill obligation through service with Toys-for-Tots. See enclosure (15).

(2) By letter dated 2 August 2022, [REDACTED], [REDACTED]

[REDACTED] also provided a recommendation on Petitioner's behalf. [REDACTED] met Petitioner at a social gathering at [REDACTED] home over 25 years ago, and has developed his own long-term friendship with Petitioner. He also attested to Petitioner's pride in the Marine Corps and significant civic philanthropic work in the Atlanta area. He asserts that "[t]he mischaracterization of [Petitioner's] service over 35 years ago, most likely a result of personnel turnover and misunderstanding is a stain on an otherwise exemplary record of American citizenship." While he acknowledges that he did not know Petitioner at the time, he implicitly trusts Petitioner's and [REDACTED] account of how Petitioner's service was mischaracterized. Finally, he asserted his belief that Petitioner's lifetime of service to the military and his local community outweigh any oversight or inattention by a young 22-year old Marine and the procedural malfeasance of a local USMCR unit S-1 shop. See enclosure (16).

(3) By letter dated 3 August 2022, [REDACTED], Commanding General, Marine [REDACTED] provided a letter of recommendation and reference for Petitioner. [REDACTED] met Petitioner in 1989 as a young officer stationed at [REDACTED] and asserts that Petitioner has made a profound impact on the direction and focus of his career in the Marine Corps and been a trusted advisor and confidant throughout. He attested to Petitioner's continuous support for Marines and the Marine Corps, and his charitable contributions to the Marine Corps Foundation, Marine Corps Scholarship Fund, and several programs that provide aid to Marines and their Families. He was until recently unaware of the circumstances of Petitioner's discharge, but found them hard to believe based upon Petitioner's passion and support for the Marine Corps. He also reiterated Petitioner's claim regarding his "Toys-for-Tots" agreement. Finally, he asserted that the efforts put forward by Petitioner on behalf of the Marine Corps since his discharge outweigh any time he may have missed before separation, and expressed his whole-hearted support for an upgrade to Petitioner's discharge. See enclosure (17).

#### CONCLUSION:

Upon careful review and consideration of all of the evidence of record, the Board continued to find no error or injustice in Petitioner's discharge from the USMCR warranting relief.

The Board did not find credible Petitioner's contention that he had an agreement with his unit to fulfill his drill obligation through volunteer service with the Toys-for-Tots program during his Christmas break because his claim is inconsistent with the contemporaneous records. Petitioner claimed that he made this agreement with his command when he was counseled for unsatisfactory participation on 9 May 1987. At that point, Petitioner had missed two drill sessions, and provided explanations for each of those absences which did not indicate an intent to miss future drill sessions. Additionally, the details of that counseling statement were recorded by the counselor in enclosure (6), and included no mention of this purported agreement. In fact, there is no mention anywhere in Petitioner's naval record of such an agreement, or of his actual

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED]  
[REDACTED] USMCR

participation in the Toys-for Tots program that year. There is, however, evidence that Petitioner received notices of his unsatisfactory participation and his notice of administrative separation prior to when he supposedly would have fulfilled his obligation through such voluntary duty, but he took no action to make anyone aware of this purported agreement or to forestall his pending administrative separation. There is also evidence that he spoke with an officer from his unit in October 1987 regarding his unsatisfactory participation, during which he made no mention of this agreement but did indicate that he intended to prioritize his insurance business over his USMCR obligation. Finally, it is simply not believable that an agreement was made in May 1987 to permit Petitioner to fulfill all of his remaining drill sessions through Toys-for Tots service in December 1987. The unit could not possibly know in May how much support would be required in December, and Petitioner had more than a year remaining on his enlistment at the time. The Board does not doubt that Petitioner may have discussed this alternative service as a potential option to fulfill his drill obligations at some point, but found Petitioner's claim that he had reached such an agreement with his command to be unbelievable.

Other inconsistencies in Petitioner's claim relative to his record raise further doubts regarding Petitioner's credibility in this regard. Specifically, Petitioner contended that he never had any contact with his command regarding his unsatisfactory participation after May 1987, but the record reflects that he met personally with an officer from the unit regarding his unsatisfactory participation in October 1987. Petitioner indicated during this meeting his intention not to comply with his obligation and made no mention of any "Toys-for-Tots" agreement. Such a visit would not have been necessary if any such agreement existed, and Petitioner certainly would have made the officer aware of this agreement if it did. The evidence also reflects that Petitioner acknowledged receipt of his notification of unsatisfactory participation via certified mail in September 1987, which would have informed him of an issue with his so-called agreement if it actually existed. Petitioner attributed his discharge in part to the lack of organization and poor record keeping by his USMCR unit, but his naval record does not support this contention. The record reflects that Petitioner's USMCR went above and beyond to work with Petitioner to bring him back into compliance, despite his efforts to actively evade their representatives. Further, the quality of documentation of Petitioner's unsatisfactory participation and discharge far exceeds the standard that this Board often observes when reviewing discharges from the USMCR. Finally, Petitioner claimed that he was provided the option between the Toys-for-Tots service and repayment of his educational expenses to fulfill his obligation, yet he claims to have done both, which raises the question of why he would believe himself obligated to repay the tuition expenses if he also believed his drill obligation to have been fulfilled through alternative service with Toys-for-Tots. Given the inconsistencies between his contemporaneous naval records and his current claims, the Board simply did not find Petitioner's claims to be credible.

The Board found no material error in the September and October 1987 counseling entries in Petitioner's record regarding his unsatisfactory participation which he claims did not occur. These entries simply record his unsatisfactory participation on the dates cited, and the references to him having been counseled were most likely the product of boilerplate language used to record such events. That Petitioner was not actually counseled on these dates is adequately represented by the absence of his signature acknowledging the counseling. As such, the reference to such counseling having occurred on these dates is clearly harmless.

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED]  
[REDACTED] USMCR

The Board considered the totality of the circumstances to determine whether equitable relief is warranted in the interest of justice in accordance with reference (b). In this regard, the Board considered, among other factors, the favorable character references and references provided by highly respected Marine Corps officers and by his employer; Petitioner's post-service professional accomplishment and philanthropic service; Petitioner's continuing support for the Marine Corps and related charities; Petitioner's expressed regret for the circumstances of his discharge; Petitioner's relative youth and immaturity at the time of his unsatisfactory participation in the USMCR; and the passage of time since Petitioner's discharge. Even considering these factors, however, the Board did not believe any equitable relief to be warranted under the circumstances. While the Board members have the utmost respect for the opinions of the senior officers who provided character references and recommendations on Petitioner's behalf, the weight of their recommendations was diminished by the fact that these officers clearly did not arrive at their conclusions regarding the circumstances of Petitioner's discharge based upon a personal review of his record but rather relied upon his own questionable assertions. It was clear to the Board that Petitioner made a conscious decision to prioritize his personal civilian career ambitions over his obligation to the Marine Corps which made those ambitions attainable. There was no misunderstanding as Petitioner claimed, and his lack of candor in this regard weighed heavily against any equitable relief.

**RECOMMENDATION:**

In view of the above, the Board recommends that no corrective action be taken on Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above titled matter.
5. The foregoing action of the Board is submitted for your review and action.

12/20/2022

[REDACTED]

Executive Director

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED]  
[REDACTED] USMCR

ASSISTANT SECRETARY OF THE NAVY (MANPOWER AND RESERVE AFFAIRS)  
DECISION:

- [REDACTED] Board Recommendation Approved (Deny Relief – I concur with the Board’s conclusion and direct that no corrective action be taken on Petitioner’s naval record.)
- Petitioner’s Request Approved (Full Relief – I disagree with the Board’s conclusion that equitable relief is not warranted in the interest of justice. Petitioner’s post-service record of accomplishment and continuing service to the Marine Corps and his community weighs heavily in his favor and warrants equitable relief. Accordingly, I direct that Petitioner’s record be corrected to reflect that his service was characterized as honorable and that his rank at discharge be restored to E-4/Corporal. The filing of this record of proceedings in Petitioner’s naval record shall provide evidence of these corrections.)
- Petitioner’s Request Partially Approved (Partial Relief – I disagree with the Board’s conclusion that equitable relief is not warranted in the interest of justice. Petitioner’s post-service record of accomplishment and continuing service to the Marine Corps and his community weighs heavily in his favor and warrants equitable relief. Accordingly, I direct that Petitioner’s record be corrected to reflect that his service was characterized as honorable. The filing of this record of proceedings in Petitioner’s naval record shall provide evidence of this correction. No correction is to be made to Petitioner’s rank at discharge, as there was no error in Petitioner’s reduction under the circumstances and his post-service actions do not warrant such relief.)
- Petitioner’s Request Partially Approved (Partial Relief – I disagree with the Board’s conclusion that equitable relief is not warranted in the interest of justice. Petitioner’s post-service record of accomplishment and continuing service to the Marine Corps and his community weighs in his favor and warrants equitable relief. Accordingly, I direct that Petitioner’s record be corrected to reflect that his service was characterized as general (under honorable conditions). The filing of this record of proceedings in Petitioner’s naval record shall provide evidence of this correction. No correction is to be made to Petitioner’s rank at discharge, as there was no error in Petitioner’s reduction under the circumstances and his post-service actions do not warrant such relief.)

[REDACTED] 4/7/2023

[REDACTED]  
Assistant Secretary of the Navy  
(Manpower and Reserve Affairs)