



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

█
Docket No. 8516-22
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 25 January 2023. 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 and began a period of active service on 11 June 2018. On 26 March 2020, you were counseled and notified you were eligible for promotion but not recommended due to your lack of maturity, and lack of military occupational specialty (MOS) proficiency. You were again counseled, on 28 April 2020, regarding your lack of MOS proficiency, your failure to adapt and meet deadlines. You were subsequently counseled, on 3 November 2020, and notified that you were eligible for promotion but not recommended due to your lack of responsibility and lack of judgment. On 25 March 2021, you were again counseled and notified that you were eligible but not recommended for promotion due to your lack of maturity and leadership skills required for the next rank, as well as lack of financial responsibility due to your delinquencies in making payments towards a \$20,000 in debt owed to your credit union. Finally, on 13 December 2021, you were counseled by your commanding officer and notified you were not recommended for reenlistment due your behavior. Your page 13 counseling notes you failed to demonstrate the high standards of leadership, performance,

professional competence, and personal behavior required in the USMC. You elected not to make a rebuttal statement in any of your counselings.

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 change your reentry code and contention that you received a RE-4 reentry code for having personal debt. For purposes of clemency and equity consideration, the Board noted you did not provide supporting documentation describing post-service accomplishments or advocacy letters.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your poor conduct and performance, as evidenced by your multiple counselings, outweighed these mitigating factors. In making this finding, the Board considered your entire record of service and determined that it showed a lack of professionalism and commitment to maintaining the necessary standards required of all Marines. Therefore, the Board determined your reentry code remains appropriate based upon the nature of your repeated lack of responsibility, financial responsibility, and MOS proficiency. Ultimately, the Board found that you remain unsuitable for future military service. The Board noted that you did not provide any evidence in support of your application. Therefore, even in light of the Wilkie Memo and reviewing the record holistically, the Board did not find evidence of an error or injustice that warrants granting you the relief you requested or granting relief as a matter of clemency or equity. 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,

2/16/2023

