



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

██████████
Docket No. 9307-22
Ref: Signature Date

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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 18 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.

You enlisted in the U.S. Marine Corps Reserves and began a period of active duty on 20 May 1998. You attended boot camp and graduated on or about 15 August 1998. You were issued a DD Form 214 with a separation reason of Voluntary Release (USMCR) IADT with an uncharacterized characterization of service on 15 August 1998.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case. These included, but were not limited to, your desire for an upgrade in your characterization of service and contentions that your discharge characterization should be Honorable and you were assigned an uncharacterized release from active duty based on a clerical error.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined you were appropriately assigned an uncharacterized discharge based on your length of active duty service. In making this finding, the

Board noted you were on active duty for 87 days and Marine Corps regulations direct the assignment of an uncharacterized discharge when a Marine is released from active duty within their first 180 days of active duty service. While there is an exception that allows for the assignment of a characterized discharge in cases involving unusual circumstances of personal conduct and performance of military duty, the Board concluded that your record does not meet that criteria. Therefore, contrary to your contention, even after reviewing the record holistically, the Board did not find evidence of an error or injustice that warrants granting you the relief you requested. 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,

2/15/2023

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Executive Director

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