



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

██████████  
Docket No. 8855-23  
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 12 January 2024. 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).

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issue(s) involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You enlisted in the US Marine Corps Reserve (USMCR) and completed an initial period of active duty for training from 11 June 1985 to 5 September 1985. Upon your release from active duty, you were assigned to your Reserve unit.

On 5 November 1986, you were counseled regarding your unsatisfactory drill participation, and you were notified failure to attend scheduled drills may result in the initiation of administrative

separation proceedings. You again were counseled, on 16 October 1987, for your continued failure to participate in scheduled drill. On 6 February 1988, you were counseled on a third occasion for your failure to attend scheduled drill, at which point you elected the opportunity to make up 20 missed drills.

On 7 September 1989, you were notified of the initiation of administrative separation proceedings for 15 unauthorized absences from scheduled drill. Your Battalion Commander recommended your separation from the USMCR with an Other Than Honorable (OTH) character of service. Your record documents that you joined the unit with nine missed drills, and you accumulated 28 additional missed drills since joining the unit. You elected your right to counsel, and a hearing before an administrative discharge board (ADB). On 7 January 1990, an ADB convened and recommended your separation with an OTH character of service due to your failure to participate. The discharge authority concurred with the ADB's recommendation and directed your separation. On 20 February 1990, you were so discharged.

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 upgrade your character of service to receive medical care from the Department of Veterans Affairs (VA) and your contentions that you served at ██████████ with contaminated water, you missed some drills while attending college, and you made up the drills. For purposes of clemency and equity consideration, the Board noted you provided a letter from your medical provider but no 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 misconduct, as evidenced by your NJPs, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and found that your conduct showed a complete disregard for military authority and regulations. Additionally, the Board considered that unexpectedly absenting yourself from your command placed an undue burden on your chain of command and fellow service members, and likely negatively impacted mission accomplishment. Further, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating veterans' benefits, or enhancing educational or employment opportunities. Finally, the Board noted you were sufficiently notified of the consequences if you continued to miss scheduled drill and you continued to do so. The Board found no evidence that you made up your missed drills as you contend. As a result, the Board concluded your conduct constituted a significant departure from that expected of a service member and continues to warrant an OTH characterization. While the Board carefully considered the evidence you submitted in mitigation, 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. Ultimately, the Board concluded the mitigation evidence you provided was insufficient to outweigh the seriousness of your misconduct. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

