



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

■  
Docket No. 9324-23  
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 13 December 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 duty on 17 December 1985. On 19 February 1986, you were referred by your command for an evaluation with the Psychiatry Unit. A mental health evaluation determined you were not fit for further naval service and recommended your administrative discharge due to your inability to adapt to Recruit Training. On 21 February 1986, you were notified that you were being recommended for administrative discharge from the Marine Corps by reason of unsatisfactory entry level performance and conduct. You were advised of your procedural rights and waived your right to consult with military counsel and to submit a written statement in rebuttal to your recommendation for administrative separation. Your commanding officer (CO) forwarded your administrative separation package to the separation authority (SA) recommending your administrative discharge from the Marine Corps with an Entry-Level Separation (Uncharacterized). The SA approved the recommendation for administrative discharge and directed your Entry-Level Separation (ELS) (Uncharacterized) discharge from the Marine Corps by reason of entry level performance

and conduct. On 28 February 1986, you were so discharged after less than 90 days of active duty service.

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 discharge character of service to General (Under Honorable Conditions) and contentions that: (1) this was a challenging time for you at the age of 18, (2) you were scared and not knowing what to expect you did not have a choice but to sign the documents, (3) an ELS is unfair without having an attorney being present to protect your rights at the time, (4) you believe that your rights were violated, and the separation should be changed, and (5) one mistake was made and a rush to judgement ended your tenure in the Marine Corps. For purposes of clemency and equity consideration, the Board noted you provided a personal statement on your behalf but no supporting documentation describing post-service accomplishments or advocacy letters.

After thorough review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your assigned uncharacterized entry-level separation remains appropriate. Applicable regulations authorize an uncharacterized entry-level separation if the processing of an individual's separation begins within 180 days of the individual's entry on active service, as in your case. While there are exceptions to policy in cases involving misconduct or extraordinary performance, the Board determined neither exception applies in your case. Further, the Board noted you provided no evidence to substantiate your contentions and were not persuaded by your arguments of coercion. Based on the record, you affirmatively acknowledged your rights during your administrative separation processing and were appropriately discharged based on a medical recommendation. Finally, 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. As a result, 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 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,

1/10/2024

