



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

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Docket No. 5252-24
Ref: Signature Date

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Dear █

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 5 June 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).

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues 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 Marine Corps Reserve on 15 October 1987. Upon your enlistment, you honorably completed a period of active duty for training before being assigned to your Reserve unit.

After being assigned to your Reserve unit, you accumulated 10 unexcused absences from scheduled drills. On 21 April 1990, you were formerly counseled on your unsatisfactory drill participation. On 14 May 1990, you were removed from the Platoon Leaders Class Program due to unsatisfactory drill attendance. On 24 June 1990, your commanding officer (CO) attempted to notify you of his intentions of recommending you for administrative separation due to failure to participate in scheduled drills. You failed to return either acknowledgement resulting in you

waiving your rights associated with your administrative separation processing. On 21 August 1990, your CO forwarded your package to the separation authority (SA) recommending your discharge due to failure to participate with an Other Than Honorable (OTH) characterization of service. The SA approved the recommendation, and on 18 October 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 to, your desire to upgrade your discharge and contentions that you missed scheduled drills due to chronic injuries, you attempted to make up the drills but was told you would be medically discharged with an Honorable characterization of service, your discharge was Honorable, and your mailing address was incorrect in your personnel file. For purposes of clemency and equity consideration, the Board noted you provided copies of your administrative separation packet 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 unexcused absences from drills, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact it showed a complete disregard for your military obligations. Further, the Board noted that your record clearly reflected your misconduct and the evidence of record did not show that you were not responsible for your conduct or that you should not be held accountable for your actions. 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. Finally, while the Board took into consideration your contentions, the Board noted that there is no evidence in your record, and you submitted none, to substantiate your allegations. The Board also noted that it is the responsibility of the service member to ensure their mailing address is correct in the unit's records and their personnel file. Finally, the Board further noted that your Honorable discharge was for your period of initial active duty training. Ultimately, the Board was not persuaded by your contentions.

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. 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,

6/26/2024

