



advised you that should you continue to miss drill you will be subject to assignment to involuntary active duty or discharge from the Selected Marine Corps Reserve (SMCR) under conditions other than honorable.

On 14 April 2007, you were informed that you were declared an unsatisfactory participant in the SMCR. On 22 January 2008, the Site Commander forwarded your administrative separation package to the separation authority recommending your administrative discharge from the Marine Corps Reserve with an Other Than Honorable (OTH) characterization of service. As part of the Commander's recommendation, the Commander stated in pertinent part:

[Petitioner] is recommended for administrative separation due to a very long period of unsatisfactory participation in the SMCR program. [Petitioner] has shown lack of communication to the command that she does not intend to fulfill the terms of her contract. This Marine has a record of being UA since 2007. We have attempted contact via phone and have had no success. We have exhausted all means to bring this Marine back. This Marine has clearly demonstrated that she has no interest in the Marine Corps tenets of Honor, Courage, and Commitment.

The separation authority approved the recommendation for administrative discharge and directed your OTH discharge from the Marine Corps Reserve by reason of unsatisfactory participation in ready reserve. On 5 April 2008, 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 character of service and contentions that: (1) you were harassed by your squad leader, (2) your squad leader denied your leave request because you refused his advances, (3) you did not understand that you could bypassed your squad leader and request leave from someone else, and (4) you were told that if you did not show up that you would UA and to never comeback. 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 your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your unsatisfactory participation in drill, outweighed these mitigating factors. In making this finding, the Board the Board considered the seriousness of your misconduct and found that your conduct showed a complete disregard for military authority and regulations. The Board also considered the likely negative impact your conduct had on the good order and discipline of your unit. Further, the Board determined that the evidence of record did not demonstrate that you were not responsible for your conduct or that you should otherwise not be held accountable for your actions. Additionally, the Board observed that you were given multiple opportunities to correct your conduct deficiencies but chose to continue to commit misconduct. Finally, the Board noted that you did not provide any evidence, other than your statement, to substantiate your contentions. However, contrary to your contention that you were told not to come back, the Board noted you were notified on multiple occasions that you were required to report for drills

and, by continuing to miss drills, would face administrative separation under OTH conditions. Therefore, the Board did not find your contentions persuasive.

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 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,

9/16/2024

