



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. 7214-24
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.

A three-member panel of the Board, sitting in executive session, considered your application on 5 December 2024. The names and votes of the members of the panel 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 this 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.

As set forth in its 24 May 2022 letter denying your prior request for relief (Docket No. 10775-16), a review of your record revealed that you enlisted in the U.S. Marine Corps Reserve and served an initial period of active duty starting on 15 August 1983. On 7 April 1984, you were administratively reduced in grade due to missing reserve drills. On 13 June 1984, your Marine Corps unit mailed to you a letter of intent to involuntarily assign you to active duty and a proposed agreement to participate in future drills. On 24 July 1984, you were notified of the initiation of administrative separation processing and your rights in connection therewith due to unsatisfactory participation in the Marine Corps Reserve. You replied to the notification and acknowledged your rights. On 23 November 1984, the discharge authority directed that you be discharged. On 5 December 1984, you were discharged. In 2016, you filed a petition with this Board seeking to have your discharge upgraded contending that you missed drills due to an illness. On 6 February 2018, this Board denied your petition.

In 2022, you filed a petition for reconsideration of your denied petition (Docket No. 1396-22). You initially requested that your discharge characterization be changed to an honorable or general (under honorable conditions) characterization of service. You later submitted a letter changing your requested relief to seeking a medical (disability) discharge. In support of your request, you argued that medical problems and a failure of leadership caused you to be released

early from the U.S. Marine Corps Reserve. To assist it in reviewing your 2022 petition, the Board obtained an advisory opinion (AO) from a medical provider, which was considered unfavorable to your request. According to the AO, there was no evidence that you were diagnosed with a mental health condition during your initial active service or during your affiliation with the reserve component. The Board informed you that it denied your petition by letter dated 24 May 2022.

In 2024, you filed your current request for reconsideration in which you provided as new matter a personal statement and medical documentation from the Department of Veterans Affairs (VA) including a letter from your VA primary care provider. In your current petition for reconsideration, you argue that you missed drills due to a kidney condition, and not due to a mental health condition. The letter from your VA primary care provider explained that it was “possible” that your kidney condition “may have produced waxing and waning symptoms of fatigue and poor ability to exercise leading up to [your] diagnosis, as these are symptoms of kidney insufficiency.”

In its review of your current request for reconsideration, the Board determined that you failed to provide sufficient new matter to change its prior decision. In denying your request for a change to your discharge characterization, the Board observed that you provided insufficient evidence to support your request. First, to the extent your request seeks to change your discharge to a disability retirement, as it found before, the Board determined that the new matter you provided does not support that you incurred a disability condition during any period of active duty. To the extent you seek only to have your discharge characterization upgraded from other than honorable, the Board again determined that you provided insufficient evidence demonstrating that there was an error or injustice in the characterization of your discharge at the time you were separated from the U.S. Marine Corps Reserve. Accordingly, the Board denied your request for reconsideration.

In the absence of sufficient new evidence for reconsideration, the decision of the Board is final, and your only recourse would be to seek relief, at no cost to the Board, from a court of appropriate jurisdiction.

Sincerely,

1/17/2025

