



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

█  
Docket No. 8282-24  
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.

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 27 November 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).

You enlisted in the U.S. Marine Corps and entered active duty on 9 February 2004. On 24 February 2004, you were notified that you were involuntarily withdrawn from the signals Intel/Elec warfare program and accepted assignment to food services. On 8 March 2004, you were issued a counseling warning for not putting forth reasonable effort at all times in recruit Training, not adapting to the Marine Corps way of life, an apathetic attitude towards training, lack of maturity by your actions, lack of self-discipline, an inability to follow instructions/orders, and disrespectful/belligerent attitude. The counseling also informed you that you failed trail training and continue to demonstrate a poor attitude and belligerent attitude.

Consequently, you were notified of administrative separation processing for entry level separation due to your lack of reasonable effort. After you waived your rights, the Commanding Officer (CO) made his recommendation to the Separation Authority (SA) that you be discharged with uncharacterized entry level separation due to entry level performance and conduct. The SA accepted the recommendation, and you were so discharged on 16 March 2004.

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 for a discharge upgrade and contentions that you is fraudulent and states that you choked your superior. You further contend that your superiors lied on your paperwork and were later discharged for misconduct. For purposes of clemency and equity consideration, the Board noted you did not provide any advocacy letters or documentation describing post-service accomplishments.

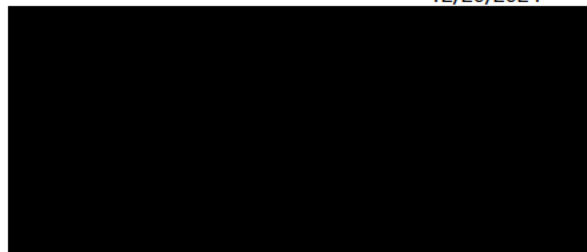
After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined your assigned uncharacterized entry level separation remains appropriate. Service regulations direct the assignment of an uncharacterized entry level discharge when a service member is processed for separation within their first 180 days of active service. While there are exceptions in cases involving misconduct or extraordinary performance, the Board determined neither exception applied in your case. Additionally, the Board noted you provided no evidence, other than your statement, to substantiate your contentions that you were fraudulently processed for separation<sup>1</sup>. The Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. After reviewing your application, the Board determined you provided insufficient evidence to overcome the presumption in your case.

Therefore, even in light of 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,

12/20/2024



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<sup>1</sup> The Board found no evidence in your record that you were processed for assaulting a superior.