



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. 8995-24
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 9 October 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 Navy Reserve on 31 May 2000. While assigned to your reserve unit, you accumulated 16 unexcused absences from scheduled drills. As a result, you were reverted from the temporary rate of EO3 to SN, transferred to the voluntary training unit (VTU), and recommended for a discharge with a General (Under Honorable Conditions) (GEN) characterization of service due to unsatisfactory participation by your commanding officer (CO). On 13 December 2005, your CO attempted to notify you of his intentions of recommending you for administrative separation due to unsatisfactory participation in scheduled drills. You failed to

return either acknowledgement resulting in you waiving your rights associated with your administrative separation processing.

On 10 February 2006, your CO forwarded your package to the separation authority (SA) recommending your discharge due to unsatisfactory participation with a GEN characterization of service. The SA approved the recommendation, and on 13 March 2006, 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 to Honorable and contentions that you did not receive an exit interview, you would like to receive military benefits, and you would like a copy of your DD Form 214. For purposes of clemency and equity consideration, the Board noted you provided a copy of your separation orders.

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. 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, the Board concluded significant negative aspects of your service outweigh the positive aspects and continues to warrant a GEN 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.

Regarding your request for your DD Form 214¹, the Board does not maintain copies of your record. You may submit a request for your military records via the National Archives and Records Administration webpage or call 314-801-0800.

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

¹ The Board found no evidence in your record that you were entitled to a DD Form 214 upon your discharge since you were not on active duty. However, it is likely you were issued a DD Form 214 upon completion of your initial active duty for training period.

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,

11/5/2024

