



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

██████████  
Docket No. 10671-24  
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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 29 January 2025. 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 Reserve and began a period of active duty on 12 June 1973. On 14 February 1974, you were release from active duty at the completion of your initial training with a General (Under Honorable Conditions). You began a period of Reserve duty on 15 February 1974. On 17 November 1974, you were issued a counseling warning for missing drills and acknowledged you would need to perform EIOD's satisfactorily or EIOD's would no longer be authorized, and you would be processed for involuntary active duty. From August 9-22, 1975, you were again absence from annual training.

You were notified for separation for shirking in December 1975. Although you waived your rights, an administrative board (ADB) met on 31 December 1975 and found misconduct based on your record of missing 76 drill periods between March 1974 and December 1975; in addition to the August 1975 annual training. You were recommended for discharge with an Undesirable characterization of service. Your Commanding Officer (CO) forwarded the ADB's

recommendation to the Separation Authority (SA). The SA accepted the recommendation and directed you be discharged. You were so discharged on 22 April 1976.

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 was not limited, your request to upgrade your characterization of service and contention that you were discharged without your knowledge. 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 that your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your unexcused absences from drills and annual training, outweighed these mitigating factors. In making this finding, 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 that you failed to fulfill your contractual obligation to the Marine Corps. Further, the Board noted that you did not provide any evidence to substantiate your contentions. Furthermore, the Board observed that you received the notification of separation processing via certified mail, appeared in person the day of your ADB, and departed for home prior to the Board's convening time. Therefore, the Board was not persuaded by your contention that you were denied due process.

As a result, the Board determined that there was no impropriety or inequity in your discharge and concluded that your misconduct and disregard for good order and discipline clearly merited your discharge. 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,

2/14/2025

