



Docket No. 10960-24  
Ref: Signature Date

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 19 February 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 Marine Corps Reserves (USMCR) and began a period of active duty for training on 5 June 1995. On 26 August 1995, you received an Honorable characterization for your period of active-duty service and transferred to your Reserve unit. On 13 June 1999, your commanding officer (CO) informed you that you were declared an unsatisfactory participant in the USMCR by virtue of your unexcused absences from scheduled drills. You were advised that, should your unsatisfactory participation status continue, you would be subject to assignment to involuntary unrestricted active duty for 24 months, involuntary transfer to the Individual Ready Reserve (IRR), or a discharge from USMCR under Other Than Honorable (OTH) conditions. On 4 July 1999, due to your unsatisfactory participation, specifically, your failure to attend scheduled drills and annual training while a member of the Selected Marine Corps Reserve (SMCR), you were reduced in rank to Private First Class (PFC). On 14 August 1999, you were issued an administrative remarks (Page 11) counseling concerning your unexcused absence from 14 August 1999 to 15 August 1999.

On 20 September 1999, you were notified that you were being recommended for administrative discharge from the Marine Corps by reason of unsatisfactory participation in the USCMR due to your complete disregard of your obligation to satisfactorily participate in the Reserve Program. On 24 March 2000, you waived your procedural right to consult with counsel and to present your case to an administrative discharge board. You elected to submit a statement on your behalf concerning your proposed administrative separation. Your statement stated in pertinent part:

I, [Petitioner] would like to inform that I have no intentions of continuing my service in the United States Marine Corps. This decision was reached due to extensive traveling with my employer. The Marine Corps has been a great experience. I'm sorry I could not continue.

On 24 March 2000, the CO recommended to the separation authority your administrative discharge from the Marine Corps Reserve. As part of the CO's recommendation, the CO stated in pertinent part:

[Petitioner] no longer wants to be a drilling reservist. He has not drilled at this unit since June 1999. It is strongly recommended that [Petitioner] be administratively discharged from the Marine Corps Reserve and that the classification of discharge be Under Other Than Honorable conditions.

The separation authority approved the recommendation, and you were so discharged on 11 December 2000.

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, restore your rank, awards, and decorations<sup>1</sup>. The Board also considered your contentions that you completed over half of your commitment before leaving due to conflict with your ex-spouse, you were dealing with severe emotional issues at the time, and you went to stay with your family. Additionally, the Board noted you checked the "PTSD" box on your application, but you did not respond to the Board's request for evidence in support of this claim. 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

---

<sup>1</sup> The Board found no evidence that you exhausted your administrative remedies by requesting missing awards and decorations from the Marine Corps. Therefore, the Board took no action on this aspect of your application.

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. Regardless, the Board noted, contrary to your current contention, your statement to the Marine Corps at the time of your separation processing indicated you no longer desired to serve in the Marine Corps due to conflicts with your civilian employment. Therefore, the Board was not persuaded by your contentions.

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 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,

3/13/2025

