



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

██████████  
Docket No. 11977-24  
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. 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 17 March 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 acknowledged a statement of understanding that you were required to attend 48 drills annually along with 14 days of active duty for training. You commenced a period of active duty of initial training on 29 June 1977. After completing your period of training, you were released from active duty to your Reserve unit on 21 January 1978.

On 22 November 1977, you received nonjudicial punishment (NJP) for a period of unauthorized absence from your appointed place of duty. Subsequently, you accrued 47 unexcused absences from your required reserve drills<sup>1</sup>. As a result, you were formally notified via certified mail of

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<sup>1</sup> Per RESPERSMAN 1570-010, the minimum duration of a paid regular Inactive Duty Training (IDT) period is four hours. Additionally, a maximum of two IDT periods may be performed in one calendar day. This means that a standard drill weekend typically consists of four IDT periods—two on Saturday and two on Sunday—totaling 16 hours of training. Therefore, missing one day of a drill weekend equates to missing two IDT periods.

your commanding officer's intent to initiate administrative separation proceedings due to unsatisfactory participation in the Ready Reserve. This notification also informed you that you had 30 days from the date of delivery to your official address to review, sign, and return the letter of notification. Since you did not respond within the prescribed timeframe, you waived your procedural right to present your case before an administrative discharge board. Accordingly, your commanding officer forwarded your administrative discharge package to the separation authority (SA) with a recommendation for discharge with an Other Than Honorable (OTH) characterization of service adding,

“During the past twelve months [Petitioner] has accumulated an attendance record of 47 unauthorized absences from scheduled drills and unauthorized absence from annual training duty. He was offered the opportunity to perform EIOD's [end/expiration of initial obligated drill], but to date none were performed...Before each drill, letters were sent informing him of scheduled drills...”

The separation authority concurred with this recommendation and you were so discharged on 18 January 1979.

The Board carefully considered all potentially mitigating factors to determine whether the interest 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 and your contentions that your commanding officer allowed you to miss your scheduled drills after having a conversation with your father about the conflict between your Marine Corps and family business responsibilities. You argue that you have never shirked responsibility, never taken shortcuts, and have, at times, worked yourself out of a job by exceeding expectations. Your only crime or misstep was not mustering. For purposes of clemency and equity consideration, the Board considered the evidence you submitted in support of your application.

After a thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined your misconduct, as evidenced by your NJP and unauthorized absences, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and concluded it showed a complete disregard for military authority and regulations. Additionally, the Board noted you were provided an opportunity to correct your conduct deficiencies but chose to continue to commit misconduct; which led to your OTH discharge. Lastly, the Board determined the evidence you provided was insufficient to overcome the presumption of regularity in your case. 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. In addition, the Board was not persuaded that you were excused from your military duties by your commanding officer. The Board noted that your contention is contrary to the information in your record and is directly contradicted by the commanding officer's comments regarding your separation.

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. While the Board carefully considered the evidence you submitted in mitigation, 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. Ultimately, the Board concluded the mitigation evidence you provided was insufficient to outweigh the seriousness of your misconduct. 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 the 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 is attached 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,

4/7/2025

