



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. 12441-24
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 reconsideration application on 14 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).

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 U.S. Marine Corps and began a period of active duty service on 15 December 1997. Your enlistment physical examination, on 15 November 1997, and self-reported medical history both noted no neurologic or psychiatric issues, conditions, or symptoms.

On 1 April 1998, your command provided you notice that you were being processed for an administrative discharge from the Marine Corps for your entry level performance and conduct.

You waived in writing to consult with counsel and to submit written statements for consideration. On 7 April 1998, your command issued you a Page 11 where you acknowledged that you were being assigned a reenlistment code of "RE-3F" due to your lack of reasonable effort. Ultimately, on 7 April 1998, you were discharged from the Marine Corps with an uncharacterized entry level separation (ELS) due your entry level performance and conduct, and were assigned a RE-3F reentry code. In this regard, you were assigned the correct characterization, narrative reason for separation, and reenlistment code based on your factual situation as you were still within your first 180 days of continuous military service and had not yet completed initial recruit training.

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: (a) the real reason for your separation was for "don't ask, don't tell" (DADT), (b) your life took a turn for the worse after your discharge, and it has taken you 15 years to get back to normal, (c) this correction should be made because it should never occurred in the first place, and had it not, you'd still be a Marine with 20+ years of service continuing on to 40 years until retirement, (d) the Marine Corps took your entire life away from you because of a false allegation made by a racist, homophobic, violent drill instructor (DI), (e) the DI targeted you, and when you complained about him, it only made things worse, and (f) you were frequently taken into your platoon barracks gear locker for "motivational instruction" which was in reality physical and mental abuse. For purposes of clemency and equity consideration, the Board considered the totality of the evidence you provided in support of your application.

Based upon its review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. The Board determined that your Marine Corps service records and DD Form 214 maintained by the Department of the Navy (DoN) contained no known errors.

The Board noted that your service record was replete with multiple adverse counseling entries involving your inability to successfully complete training, failure to put forth a reasonable effort, and documented disciplinary issues. The Board concluded that your brief Marine Corps service was tainted by your refusal to adjust to the military and Marine Corps lifestyle and to adhere to the basic core principles of respect for military authority and good order and discipline. Based on your precise factual situation and circumstances at the time of your discharge, the Board concluded that your command was justified in assigning you an ELS and an RE-3F reentry code. The Board noted that an RE-3F reentry code directly corresponded to: "failure to complete recruit training," and was the appropriate and permitted designation given the totality of the circumstances in your case.

The Board determined that you did not provide any credible or convincing evidence to substantiate or corroborate your contention that your discharge was for DADT reasons. Thus, the Board concluded that insufficient evidence exists to overcome the presumption of regularity in your case.

The Board noted that separations initiated within the first 180 days of continuous active duty will be described as ELS except in those limited Marine Corps cases: (a) when an Honorable

discharge is approved by the Secretary of the Navy in cases involving unusual circumstances not applicable in your case, or (b) where processing under a more serious basis is appropriate and where characterization of service under Other Than Honorable conditions upon discharge is warranted.

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. 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,

3/6/2025

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Executive Director

Signed by: █