



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

██████████
Docket No. 12537-24
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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 30 May 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 this 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 and commenced a period of active duty on 1 August 2000. Upon completion of your required initial training on 28 April 2001, you received an Honorable discharge and affiliated with a reserve unit the following day. On 26 January 2007, your commanding officer (CO) recommended your administrative discharge with an Other Than Honorable (OTH) characterization of service for unsatisfactory participation in the reserves. The separation authority approved the recommendation on 3 April 2007 and 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 characterization of service and your contentions that you completed a first enlistment and reenlisted, you began to struggle to reintegrate into society during your second enlistment and process things you had seen while deployed, and this was the reason for your abuse of alcohol as well as substance abuse. You further contend that, you received medals and was rising in rank before deployment

and that, since separation, you have been unable to receive the care needed to help with your diagnosis. You further state you are unemployed, homeless, and were not offered rehabilitation in service or help with learning how to cope with your feelings. You contend you have suffered in silence and been inpatient for mental health treatment several times after attempting suicide. You are hoping to receive proper treatment and get the help needed to be able to live a healthy life without constant thoughts and nightmares every night. The Board noted you chose not to respond to the 31 December 2024 letter from the Board requesting evidence in support of your claim of a mental health condition. For purposes of clemency and equity consideration, the Board considered the totality of your application; which included your petition, your personal statement, and service record documents.

After thorough review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your failure to properly participate in the reserves outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and likely negative impact your lack of participate had on the good order and discipline of your command. Lastly, the Board observed you provided no evidence, other than your statement, to substantiate 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 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,

6/12/2025

