



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

██████████  
Docket No. 0318-25  
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 7 April 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).

The Board determined your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined a personal appearance was not necessary and considered your case based on the evidence of record.

You enlisted in the Marine Corps Reserves and commenced a period of active duty for training on 29 January 1987. On 11 July 1987, you were discharged upon completion of your required active service and immediately affiliated with a Marine Corps Reserve unit.

On 7 December 1987, your command sent you a letter regarding your unsatisfactory participation in the reserves, by missing a total of four drills on 5 - 6 December 1987. Your command also sent you a letter of intent to administratively reduce you in pay grade based on your unsatisfactory participation in required drills. On 1 January 1988, you were administratively reduced in rank due to unsatisfactory participation.

Following your administrative reduction, your command took a number of actions in their attempts to get you to honor your enlistment obligation. Specifically:

- On 30 January 1988, your command attempted to reach you, in person, at both your official address and your father's address, and found no one home at either location.
- On 22 March 1988 and 15 May 1988, your command sent you letters regarding your unsatisfactory participation in the reserves. The letters indicated you missed two drills on 22 March and five drills between 13 - 15 May 1988.
- On 1 June 1988, an administrative remark in your Official Military Personnel File (OMPF) indicates you were eligible but not recommended for promotion to Private First Class (PFC), due to missed drills.
- On 12 June 1988, your command again attempted in person contact with you at your official address, found cars in the driveway along with barking dogs, but no one answered the door.
- On 1 September and 1 November 1988, administrative remarks in your OMPF indicate you were eligible but not recommend for promotion to PFC due to missed drills.
- On 14 November 1988, a letter of notification of intended administrative separation for your unsatisfactory participation in the Marine Corps Ready Reserve (MCRR), following your unexcused absence from 15 scheduled drills, was sent to your last known address via certified mail.
- On 20 November 1988, an administrative remark in your OMPF documents your unsatisfactory participation in the MCRR due to unexcused absences from scheduled drills. On this date, another letter was additionally sent to your official address, but you again failed to respond or take corrective action.
- On 1 December 1988, the 14 November 1988 letter of notification of intended administrative separation, sent via certified mail, was returned to your command and marked "return to sender;" after a third delivery attempt.
- On 3 December 1988, your command again attempted personal contact with you, at your official address, without success.

On 21 January 1989, your CO recommended to the Commanding General (CG) your administrative discharge for unsatisfactory participation in the reserves, citing 39 unexcused absences from scheduled drills. On 14 February 1989, your CO again recommended to the CG your administrative discharge for unsatisfactory participation stating, "Unit efforts to contact him have failed. Further detective work on our part is unwarranted. He has earned a discharge under other than honorable conditions (OTH)." Your discharge was legally reviewed and found to be sufficient in law and fact. On 14 November 1988, the CG ordered your discharge for failure to participate with an OTH characterization of service, with a separation code of "HSK1," and an

RE-4 reentry code. Your separation code corresponds to “failure to participate (Reserve not on active duty) admin discharge board required but waived.”

Unfortunately, your OMPF does not include your actual date of separation; notwithstanding, 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.

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 change your discharge characterization of service to HON and your contentions that you were not aware you had received an OTH until you tried to apply for a Department of Veterans Affairs loan, you left the service due to an injury that left you unable to report for drills, and you did not understand what to do given your age of 19 years. For purposes of clemency and equity consideration, the Board considered the evidence you provided in support of your application; including court documents related to your civil cases in Michigan connected to your leg injury.

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 multiple missed drills, 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 observed you were given multiple opportunities to correct your conduct deficiencies but chose to continue to commit misconduct; which led to your OTH discharge. Your conduct not only showed a pattern of misconduct but was sufficiently pervasive and serious to negatively affect the good order and discipline of your command. Further, the Board determined the evidence you provided of your injury and hospitalization does not satisfactorily explain your consistent failure to participate in the reserves or failure to respond to multiple efforts by your command to reach you. The Board observed your failure to participate was first documented in December 1987, approximately six months before your court documents indicate you were admitted for treatment of your injury. Additionally, between the first documented attempt by your command to contact you and your admission to the ER, your command made five additional attempts to contact you; both through the mail and by in-person visits to your home. You provided no explanation or mitigating evidence mitigating regarding your lack of participation or communication in this six month period prior to your injury. Further, the Board also noted you provided no mitigating evidence for your failure to communicate with your command following your injury. The Board was not convinced by your argument that you did not know what to do based on your youth and considered that you were of legal age to enlist in the armed forces and successfully completed Marine Corps Reserve basic training. Thus, the Board concluded you demonstrated an ability to conform to Marine Corps standards and, at a minimum, was capable of calling your command.

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 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,

4/18/2025

