



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

██████████
Docket No. 481-25
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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 7 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 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 Reserve and began a period of active duty on 20 October 2003. On 12 May 2004, you were released from active duty at the completion of your initial duty for training and assigned to your Reserve unit. On 26 March 2006, you were eligible but not recommended for promotion for the April promotion period due to unsatisfactory participation for 24-26 March 2006. On 10 June 2006, you were eligible but not recommended for promotion for July to September 2006 due to unsatisfactory participation for April to June 2006.

On 8 December 2006, your Commanding Officer (CO) began the process of administrative separation that included sending you the notice of administrative processing, via certified mail return receipt, to your last known address. In the notification, the specific basis for the recommendation was your unsatisfactory participation in ready reserve. After you failed to respond, the CO forwarded the documents to the Separation Authority (SA). On 23 June 2008, the Staff Judge Advocate reviewed the CO's recommendation and found that the proceedings were sufficient in law and fact to support separation. After reviewing all the separation documents, the SA directed that you be discharged with an Other Than Honorable (OTH) characterization of service for unsatisfactory participation in ready reserve. You were so discharged on 27 June 2008.

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 was not limited, your request to upgrade your characterization of service and to create a DD Form 214 for your period of Reserve duty. You contend that you joined the Marine Corps to escape a traumatic family life and, upon your separation to reserve status, you returned to that same environment. You contend that you were suffering from severe anxiety disorder and being pressured to leave the Marine Corps by your family, that you never received any correspondence listed in your record and believe your family withheld any phone calls or voicemails from you. You also checked the "Other Mental Health" box on your application but chose not to respond to the Board's request for supporting evidence of your claim. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted solely of your petition without any other additional documentation.

After thorough review, the Board concluded that your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your unexcused absences from 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 also considered that you failed to fulfill your contractual obligation to the Marine Corps and that unexpectedly absenting yourself from your command placed an undue burden on your chain of command and fellow service members, and likely negatively impacted mission accomplishment. Further, the Board noted you provided no evidence, other than your statement, to substantiate your contentions. Therefore, absent substantiate evidence to the contrary, the Board determined the presumption of regularity applied in your case.

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.

Finally, regarding your request for a DD Form 214, the Board noted that a DD Form 214 is issued only under specific circumstances that typically involves documenting periods of active duty. In your case, there is no evidence that you served on active duty; except during your initial

training period that is already documented with a DD Form 214. Therefore, the Board found no basis to issue you a DD Form 214.

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,

5/20/2025

