



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. 2287-25
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 1 July 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 1 June 1978. On 27 October 1978, you were released from active duty at the completion of your initial duty for training and assigned to your Reserve unit. On 5 January 1980, you received non-judicial punishment (NJP) for being absent from your appointed place of duty. On 3 May 1981, an administrative note was placed in your official military personnel file (OMPF) that your participation was unsatisfactory for the enlisted year ending 9 May 1980. On 12 July 1981, a

letter was sent via certified mail to your ██████████ address advising you the commanding officer (CO) intent to recommend your transfer to the IRR by reason of unsatisfactory participation in reserve training. On 22 July 1981, you signed for the notification. After you failed to respond, the CO forwarded the documents to the Separation Authority (SA) recommending that you be discharged with an Other Than Honorable (OTH) characterization of service. 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 approved the recommendation, and you were so discharged on 28 September 1981.

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, your request to upgrade your characterization of service and change your narrative reason for separation. You contend your troubles began when you decided to move to ██████████ after the automotive industry began to deteriorate, you approached your leadership and requested a transfer to ██████████ because there was no work for you in ██████████ they told you to check in somewhere when you get to ██████████ and didn't provide any guidance or official process to transfer, and you that life took over and you never found a place to check in. You also contend that you have since rehabilitated and led a successful post-discharge life. For purposes of clemency and equity consideration, the Board considered the totality of your application; which included your DD Form 149 and the evidence you provided in support of it.

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 NJP and unsatisfactory participation in required 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. 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. 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.

As a result, the Board determined that there was no impropriety or inequity in your reason for separation and 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 and commends you for your post-discharge rehabilitation, 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,

7/14/2025

