



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

██████████  
Docket No. 3101-25  
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 19 August 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 28 July 2003. On 13 August 2004, you were released from active duty at the completion of your initial training and were assigned to your Reserve unit. You were issued a DD Form 214 documenting your period of active duty and paygrade at the time of your release.

On 1 October 2004, you were promoted to lance corporal. On 6 November 2005, you submitted a statement regarding your hardship and circumstances since your last drill attendance. On 21 March 2006, you were notified of administrative separation processing for convenience of the

government, hardship. After you waived your rights, the Commanding Officer (CO) made his recommendation to the Separation Authority (SA) that you be discharged. The SA accepted the recommendation and you were discharged with an Honorable characterization on 24 July 2006.

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 correct your rank, separation date, and reason for separation on your DD Form 214. You contend the incorrect information on your DD Form 214 has blocked you from post service benefits. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted of your DD Form 149 and excerpts from your service record.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. The Board determined your DD Form 214 contains no errors since it accurately documents your period of active duty and paygrade from 28 July 2003 to 13 August 2004. Since the DD Form 214 is only issued to document periods of active duty, the Board found no error or injustice with the fact it doesn't annotate your promotion or service after your release from active duty on 13 August 2004. Finally, absent a material error or injustice, the Board declined to summarily change a record solely for the purpose of facilitating veterans' benefits, or enhancing educational or employment opportunities.

As a result, 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,

8/26/2025

