



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 22204

██████████
Docket No. 6296-25
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. 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 you did not file your application in a timely manner, the Board waived the statute of limitation in the interest of justice. A three-member panel of the Board, sitting in executive session, considered your application on 27 March 2026. 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 the understanding of the issues involved. Therefore, the Board determined your personal appearance was not necessary and considered your case based on evidence of record.

The following is the relevant factual background of your case based upon review of your naval record and/or the matters provided with your application:

1. You enlisted in the Marine Corps and began a period of active duty on 21 March 2016.
2. On 28 June 2016, you absented yourself without authority and remained absent until your return to military control on 3 August 2016.
3. On 22 August 2016, you received nonjudicial punishment (NJP) due to your violation of Article 86, Uniform Code of Military Justice (UCMJ), based upon your prolonged unauthorized

absence (UA) as well as Article 92, UCMJ, for failure to obey a lawful order by wrongfully failing to check into your platoon as you had been ordered.

4. Although documents pertaining to your administrative separation processing were not retained in your official military personnel file, you were administratively separated on 27 September 2016 with uncharacterized entry level separation by reason of entry level performance and conduct. Your net active service was five months and two days, accounting for 35 days lost time.

5. You previously applied to the Naval Discharge Review Board (NDRB) seeking a change to your reentry code on basic considerations of clemency, to include your youth and immaturity at the time of your initial enlistment. Your request was considered and denied on 8 January 2025.

In your application to this Board, you express a desire to correct the dates of your lost time and contend that:

1. Your record should reflect only 19 days of lost time rather than the 35 days currently documented in your discharge record.

2. You were erroneously informed that you were required to report to Marine Corps Base, ██████████ in order to terminate your absence. This resulted in additional delay due to needing assisting with transportation to that location.

3. You would have been able to terminate your absence much sooner if you had been informed that you could turn yourself into a recruiting station or nearby military authority such as ██████████.

4. You believe the additional lost time is unjust and warrants correction.

5. Post-service, you have led a successful life including obtaining professional licenses and providing for your family.

After careful review, the Board reached the following conclusions and denied your application for relief.

The Board initially concluded you were appropriately processed for administrative separation based on your record of misconduct. The Board noted you admitted to committing the misconduct that formed the basis of your administrative separation and your discharge. While the Board considered your arguments that you were misinformed about how to terminate your UA status and the evidence you provided concerning the difficulties you experienced at the time, the Board found insufficient evidence that you attempted to terminate your UA prior to 3 August 2016 or that you were misinformed by an agent of the Department of the Navy regarding the correct process to terminate an unauthorized absence. Therefore, the Board determined the presumption of regularity applies to your administrative separation and no error exists with your record.

The Board also considered the totality of the circumstances to determine whether equitable relief was warranted in the interests of justice in accordance with the Wilkie Memo. In this regard, the Board considered, amongst other factors, your desire to change your UA termination date, your contentions, the non-violent nature of your misconduct, your relative youth and immaturity at the time of your misconduct, your rehabilitation efforts, your post-service record of accomplishments, your remorse, the evidence you provided in support of your application, the character references you provided for review, and the passage of time since your discharge.

The Board found that the mitigating factors were not nearly sufficient to justify any equitable relief. Specifically, the Board found that the severity of your misconduct far outweighed all of the mitigating factors combined. In particular, the Board the Board found that your conduct showed a complete disregard for military authority and regulations. Your conduct was sufficiently serious to negatively affect the good order and discipline of your command. Therefore, even taking into consideration all the mitigation factors in your case, the Board found that your misconduct while on your brief period of active duty outweighed the mitigation evidence offered. While the Board commends you for your post-service accomplishments and rehabilitation efforts, ultimately, the Board concluded a change to your active duty service time is not warranted in the interests of justice.

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 the 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 is attached 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,

4/15/2026

