



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

[REDACTED]
Docket No. 6326-25
Ref: Signature Date

[REDACTED]

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 application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 16 September 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).

You enlisted in the Marine Corps Reserve and commenced a period of initial active duty training on 2 January 1990. After completing your training on 11 May 1990, you were assigned to your Marine Corps Reserve unit.

From March 1992 to January 1993, you accumulated 41 unexcused absences from scheduled drills. During your periods of UA from scheduled drills, your command made several unsuccessful attempts to contact you regarding your UA from scheduled drills. Consequently, on 15 September 1993, your commanding officer (CO) attempted to notify you by certified mail of his intentions of recommending you for administrative separation due to unsatisfactory participation in scheduled drills. You failed to return your acknowledgement resulting in you waiving your rights associated with your administrative separation processing. Your CO forwarded your package to the separation authority (SA) recommending your discharge due to

unsatisfactory participation with an Other Than Honorable (OTH) characterization of service. The SA approved the recommendation and you were so discharged on 1 November 1993.

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 upgrade your discharge and contentions that the last date of drill on file is incorrect because you were provided the wrong date, the wrong date resulted in you missing drills and being discharged, you informed your superiors but no actions were taken, you believe this was due to a conflict between your father and the individual who gave you the wrong drill date, and your record contains letters of commendations and good evaluations. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted solely of your DD Form 149 without any other additional documentation.

After thorough review, the Board concluded these 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 the fact it showed a complete disregard for your military obligations. 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 noted you provided no evidence, other than your statement, to substantiate your contentions. However, the Board noted that your CO's comments on your separation package indicated that you did not attend any drills or annual training periods starting in April 1993 and the command was not able to reach you after that date. The Board determined this was contrary to your contentions that you were informed of a single wrong drill date and attempted to reconcile your missing drill periods with 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. 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,

10/17/2025

[REDACTED]
Executive Director

Signed by: [REDACTED]