



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

█  
Docket No. 7575-25  
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER █  
XXX XX █ USMC

Ref: (a) Title 10 U.S.C. §1552  
(b) USECDEF Memo of 25 Jul 18 (Wilkie Memo)  
(c) MCO P1600.16E of 18 Aug 95

Encl: (1) DD Form 149 w/attachments  
(2) Naval record (excerpts)

1. Pursuant to the provisions of reference (a), Petitioner, the widow of the late subject service member (SM), filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting a Certificate of Release or Discharge from Active Duty (DD Form 214) that reflects an Honorable discharge and removal of the desertion status. Enclosures (1) through (3) apply.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 5 December 2025 and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of SM's application together with all material submitted in support thereof, relevant portions of SM's naval record, and applicable statutes, regulations, and policies to included references (b) through (c).

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although the enclosure was not filed in a timely manner, the statute of limitation was waived in the interest of justice.

c. SM enlisted in the U.S. Navy on 2 June 1982 and was honorably discharged on 4 March 1988. He then enlisted in the Marine Corps and commenced a period of active duty on 25 April 1990.

d. On 2 December 1991, SM began a period of unauthorized absence (UA) and was declared a deserter on 2 January 1992.

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED]  
XXX XX [REDACTED] USMC

e. On 29 November 1996, SM was presumed deceased and a certificate of death was issued by the State of [REDACTED]. Subsequently, a DD form 616 "Report of Return of Absentee" was issued, administratively returning SM to military control with the remark that he died while in a desertion status.

f. Petitioner contends that: (1) the desertion status is unjust (2) the DD Form 616 in SM's record inaccurately reflects the circumstances of his absence from the military, (3) SM disappeared while fulfilling his service obligation honorably, and (4) he was never found and declared deceased. In support of her application, Petitioner provided SM's death certificate and her marriage license with SM.

g. Reference (c) governs the issuance of the DD Form 214 in the Marine Corps. Paragraph 3.c. states the DD Form 214 will not be issued to, "Marines whose active duty, active duty for training, or AR duty is terminated by death."

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's record warrants partial relief. Specifically, the Board determined that it is in the interest of justice to issue a Statement of Service that does not include his deserter status.

Notwithstanding the below recommended corrective action, the Board concluded insufficient evidence exists to support Petitioner's contention that SM's record erroneously annotates he was a deserter or that he should be constructively discharged with an Honorable characterization of service. The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in Petitioner's case in accordance with the Wilkie Memo. These included, but were not limited to, Petitioner's desire for a DD form 214 reflecting an Honorable discharge and her previously discussed contentions.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined it lacked the necessary evidence to support the relief requested by Petitioner. While the Board empathizes with Petitioner, absent substantial evidence to the contrary, it determined the presumption of regularity applies in SM's case. In SM's case, the Board determined his command appropriately documented his UA and deserter status, and lacked evidence to the contrary. The Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. Therefore, the Board determined insufficient evidence exists to constructively discharge SM with an Honorable characterization of service and applicable regulations do not allow for the issuance of a DD Form 214 under the unknown circumstances of SM's disappearance from duty and presumptive death.

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 Petitioner the relief she requested or granting the requested relief as a matter of clemency or equity.

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED]  
XXX XX [REDACTED] USMC

RECOMMENDATION:

In view of the above, the Board directs the following corrective action:

Petitioner be issued a Statement of Service for SM's period of service from 25 April 1990 to 2 December 1991.

That no further changes be made to SM's record.

That a copy of this Report of Proceedings be filed in SM's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above-entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of the reference, has been approved by the Board on behalf of the Secretary of the Navy.

1/15/2026

[REDACTED]

Executive Director

Signed by: [REDACTED]