



**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: 3923-21  
7146-19  
Ref: Signature Date



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 you did not file your application in a timely manner, the statute of limitations was waived in accordance with the 25 August 2017 guidance from the Office of the Under Secretary of Defense for Personnel and Readiness (Kurta Memo). A three-member panel of the Board, sitting in executive session, considered your application on 5 November 2021. 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 this 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 Kurta Memo, the 3 September 2014 guidance from the Secretary of Defense regarding discharge upgrade requests by Veterans claiming post-traumatic stress disorder (PTSD) (Hagel Memo), and 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 also considered the advisory opinion (AO) furnished by a qualified mental health provider which was previously provided to you, the documents you submitted in rebuttal, and a subsequent AO.

You enlisted and began a period of active duty in the Marine Corps on 13 September 1979. You were convicted by summary court martial (SCM) on 24 January 1980 for failure to obey a lawful order by wrongful possession of marijuana and resisting apprehension in violation of Articles 92 and 95, Uniform Code of Military Justice (UCMJ). On 15 April 1980 you were referred for a medical fitness for duty evaluation due to suspected drug use. You were convicted at a second SCM on 15 September 1980 for two specifications of failure to obey a lawful order for wrongful possession of marijuana in violation of Article 92, UCMJ. On 15 March 1982 you received nonjudicial punishment (NJP) for two specifications of unauthorized absence from your appointed

