



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: 4414-21
Ref: Signature Date



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 the entire record, the Board for Correction of Naval Records (Board) found the evidence submitted was insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

The Board determined that your personal appearance via video or telephone, 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.

A three-member panel of the Board, sitting in executive session, considered your application on 24 January 2022. 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 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). In addition, the Board considered the advisory opinion (AO) furnished by a qualified mental health professional dated 26 November 2021, which was previously provided to you.

You enlisted in the Marine Corps and began a period of active duty on 17 November 1981. On 24 March 1982, you attended a Drug and Alcohol Abuse Orientation and acknowledged the Marine Corps policies concerning both illegal drugs and alcohol abuse. On 30 June 1982, medical personnel determined you were not in need of treatment for drug dependency or a drug related illness, and found no drug abuse. On 1 July 1982, you were counseled concerning the

harmful effects of marijuana and other non-legal drugs. You were warned that possession of non-legal drugs could result in disciplinary action and/or administrative separation from the Marine Corps. On 8 July 1982, you received nonjudicial punishment (NJP) for wrongful possession of marijuana and a bottle of gin found in your wall locker. On 9 July 1982, you were counseled concerning your frequent involvement with military authorities for drug abuse, and a consent search found 3 to 4 grams of marijuana in your wall locker. On 15 July 1982, you received NJP for possession of marijuana in your wall locker, and disobeying a lawful order by have a male in your room. On 30 September 1982, you received NJP for breaking restriction. On 13 October 1983, you were notified of administrative discharge action by reason of misconduct due to frequent involvement with military authorities, and possession of non-legal drugs. Your case was forwarded to the separation authority recommending you receive an other than honorable (OTH) discharge. On 26 October 1982, a staff judge advocate reviewed your case and found it to be sufficient in law and fact. On 28 October 1982, the separation authority approved the recommendation for an OTH discharge based on drug abuse. On 9 November 1982, you were discharged from the Marine Corps with an OTH characterization of service.

A qualified mental health professional reviewed your request for correction to your record and provided the Board with an AO regarding your assertion that you were suffering from a mental health condition during your service. The AO noted that based on the current available evidence, there is insufficient evidence that you incurred PTSD or an unfitting mental health condition during military service, and there is insufficient evidence that your misconduct could be attributed to PTSD or an unfitting mental health condition.

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 assertions that: while in boot camp you were stung by fire ants while doing PE, but were not given the proper medical attention; (b) you wanted to go home, heal, and return at later, but you were not allowed and were recycled to another company, which was the worst thing that could have happened to you; (c) the stigma and ridicule of being recycled, was stronger than ever and you wanted out; (d) you were told that, if you had a positive urinalysis, you could get out, so you smoked weed and received an OTH discharge; (e) your depression continued for years after that and the shame of a less than honorable discharge; and (f) you went back to school and had an illustrious teaching career, want to restore your good name and clean up your military records. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your three NJPs, two of which involved drugs, and the fact that you were counseled concerning the harmful effects of marijuana and other drugs and the consequences of further involvement outweighed these mitigating factors. The Board also concurred with the AO that based on the current available evidence, there is insufficient evidence that you incurred PTSD or an unfitting mental health condition during military service, and there is insufficient evidence that your misconduct could be attributed to PTSD or an unfitting mental health condition. 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



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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,

1/27/2022



Signed by:

