



authorities of driving under the influence. On 2 February 1995, you received non-judicial punishment (NJP) for unauthorized absence totaling 28 days. On 3 March 1995, you were issued a Page 11 counseling concerning deficiencies in your performance and conduct, specifically, failure to maintain military weight standards. On 29 March 1995, you were admitted for Level III treatment to the Naval Addictions Rehabilitation and Education Department, Naval Hospital with a diagnosis of alcohol dependence. On 10 April 1995, you requested to be discharged from the program, and subsequently you were discharged as a Level III refusal and recommended for administrative separation. On 5 June 1995, you were issued a Page 11 counseling concerning your failure to complete the Level III substance abuse program: demonstrating poor judgement, attitude, and ability to follow instructions.

On 8 August 1995, you were notified that you were being recommended for administrative discharge from the Marine Corps. You were advised of, and waived, your procedural rights, to include, your right to consult with and be represented by military counsel, and your right to present your case to an administrative discharge board (ADB). Your commanding officer (CO) then forwarded your administrative separation package to the separation authority (SA) recommending administrative discharge from the Marine Corps with a general (under honorable conditions) characterization of service. The SA approved the CO's recommendation and directed your general (under honorable conditions) characterization of service discharge from the Marine Corps by reason of alcohol abuse rehabilitation failure. On 5 October 1995, you were so discharged.

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 character of service. The Board also considered your assertions that: (a) you regret your failure at the in-patient detox at █; (b) since your discharge, you have faithfully and diligently served as a police officer for 21 years for the City of █; (c) you have vowed to yourself and others that your services would reflect the highest levels of esteem and distinction; and (d) you are a member of the USMC league sponsored by the █ Police Department.

The Board noted you did not submit any documentation or advocacy letters in support of your application to be considered for clemency consideration. 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 an NJP, civilian conviction, and your inability to comply with the requirements of the alcohol rehabilitation program. 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,

10/27/2021

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Executive Director

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