

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

to obey traffic regulations, and lack of regard for the Uniform Code of Military Justice (UCMJ) when self-indulging in alcoholic beverages. On 9 March 1989, Petitioner received non-judicial punishment (NJP) for wrongfully appropriating a motor vehicle. On 24 May 1989, Petitioner received his second NJP for wrongful use of cocaine and marijuana.

e. On 17 July 1989, Petitioner was notified that he was being recommended for administrative discharge from the Marine Corps. Petitioner was advised of, and waived his procedural rights, to include, his right to consult with and be represented by military counsel, and to present his case to an administrative discharge board (ADB).

f. Petitioner's CO then forwarded the administrative separation package to the separation authority (SA) recommending that Petitioner be administratively discharged from the Marine Corps with an other than honorable (OTH) characterization of service by reason of misconduct due to drug abuse. The SA approved the CO's recommendation and directed Petitioner's administrative discharge from the Marine Corps with an OTH characterization of service by reason of misconduct due to drug abuse. On 29 August 1989, prior to Petitioner's administrative discharge from the Marine Corps, Petitioner received his third NJP for dereliction in the performance of duty and disobeying a lawful order by distributing alcohol to minors. On that same day, 29 August 1989, Petitioner was so discharged.

g. At the time of Petitioner's discharge, he was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) with a characterization of service of "Other Than Honorable," separation authority was "MARCORSEPMAN PAR 6210.5," separation code was "HKK1," reenlistment code was "RE-4," and narrative reason for separation was "Discharge under Other Than Honorable Conditions Due to Pattern of Misconduct."

h. Petitioner contends that he has been dealing with chemical dependency and substance abuse issues his entire life. He further states that he has been sober for just over six years and maintaining a healthy sobriety.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that given the totality of his circumstances, Petitioner's request merits partial relief.

Regarding Petitioner's request for an upgrade of his character 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 reference (b). These included, but were not limited to, Petitioner's desire to upgrade his discharge character of service and his contention as previously discussed. The Board noted that Petitioner did not submit any supporting documentation or advocacy letters in support of his application to be considered for clemency consideration. Based upon this review, the Board concluded Petitioner's potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that Petitioner's misconduct, as evidenced by three NJPs of which included wrongful use of a controlled substance, outweighed these mitigating factors. Accordingly, given the totality of the circumstances, the Board determined that Petitioner's request does not merit relief.

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Additionally, after further review of Petitioner's Certificate of Release or Discharge from Active Duty (DD Form 214), the Board noted Petitioner's DD Form 214 is in error. The Board noted that the Petitioner's DD Form 214 incorrectly cites his narrative reason for separation as "Discharge under Other Than Honorable Conditions Due to Pattern of Misconduct." In this regard, in accordance with the separation authority's decision, Petitioner's DD Form 214 shall be corrected to reflect the proper narrative reason for separation as "Misconduct - Drug Abuse (Administrative Discharge Board Required But Waived)."

RECOMMENDATION:

In view of the foregoing, the Board finds the existence of an error warranting the following corrective action:

That Petitioner's be issued a DD Form 215 indicating that on 29 August 1989, Petitioner's narrative reason for separation was "Misconduct - Drug Abuse (Administrative Discharge Board Required But Waived)."

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

That a copy of this report of proceedings be filed in Petitioner'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 Regulations, 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 reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

11/5/2021

[REDACTED]

Executive Director

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