



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: 6225-21
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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 15 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 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 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice or clemency determinations (Wilkie Memo).

You enlisted in the Marine Corps and commenced a period of active duty on 17 May 1993. On 22 December 1983, you received nonjudicial punishment for failing to obey a general order by having a beer in a guard vehicle. On 4 September 1984, you received nonjudicial punishment for using cocaine. On 20 February 1985, you were convicted by a summary court-martial for using marijuana. On 25 February 1985, you were notified of the initiation of administrative separation processing and your rights in connection therewith. You waived your right to an administrative board. On 21 March 1985, you were discharged with an other than honorable characterization of service. In 2014, you filed a petition with this Board, in which you contended that, while you were in the Marine Corps, you were 20 years old, and you were following the crowd and made bad decisions. On 22 January 2016, this Board denied your petition. In 2018 you sought reconsideration of your petition, and included four character letters and you expressed regret for the mistakes that you made while you were young. On 4 April 2020, this Board denied your reconsideration request.

The Board carefully considered all potentially mitigating factors in your new petition to determine whether the interests of justice warrant relief in your case including in accordance with the Wilkie Memo. You contend in your petition that after basic training you were stationed in █, as a 19 year old coming from a little town. You stated that you loved the Marines and that you were a Marine. You further state that you had an addiction that addiction that intensified while you were in █ that was hard to kick, and that you drank and smoked marijuana and tested positive twice on the urinalysis, and that, while on duty you were sitting in a military vehicle drinking a beer. You contend that post-discharge, you have since worked in the medical field with honors, kicked your habits, and became a productive member of society. You submitted materials from your local community demonstrating that you have had no arrests.

Based upon its review, the Board concluded the potentially mitigating factors that you raised were insufficient to warrant relief. After careful review of your contentions, the Board commended you on your post-service activities, including that you have become a productive member of society. However, the Board found that your misconduct, which included punishments for using illegal drugs on two occasions and drinking an alcoholic beverage in a military vehicle, as evidenced by two nonjudicial punishments and a summary court-martial conviction, outweighed the mitigating factors that you submitted. Given the totality of the circumstances, and in light of your serious misconduct, the Board determined that your request does not merit relief.

You are entitled to have the Board reconsider its decision upon the 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,

11/29/2021

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Executive Director

Signed by: █