



**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: 6630-21  
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.

A three-member panel of the Board, sitting in executive session, considered your application on 21 March 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 19 January 2021, which was previously provided to you. You were given 30 days in which to submit a response, and when you did not provide a response, your case was submitted to the Board for consideration

You enlisted in the Marine Corps and began a period of active duty on 21 February 1988. On 2 September 1988, you were counseled concerning your deficiencies in your performance and conduct. Specifically, your judgement and dependability by failing to go to your appointed place of duty. You were warned that failure to take corrective action could result in administrative discharge action. On 13 December 1988, a Navy Drug Lab message report you tested positive for wrongful use of amphetamine/methamphetamine. On 22 December 1988, you received nonjudicial punishment (NJP) for wrongful use of amphetamine/methamphetamine. On 6 February 1989, you were evaluated for drug and alcohol abuse. It was determined that you were found not physiologically dependent on drugs, psychologically dependent on drugs, and your prognosis was determined to be poor. You were recommended for Level III treatment via

the Department of Veterans Affairs. On 15 March 1989, you signed a Veterans Administration (VA) Statement of Understanding that the VA Drug and Alcohol Rehabilitation Program was available. However, you elected not to enroll in the VA's program. On 24 March 1989, you were counseled concerning your judgement and dependability. Specifically, the use of illegal substances, failing to submit a urine sample on three occasions, and being absent from your appointed place of duty (Level 1 Education Class). You were warned that failure to take corrective action could result in administrative discharge action. Additionally, you were notified of administrative discharge action due to drug abuse. On 29 March 1989, your case was forwarded to the separation authority recommending you receive an other than honorable (OTH) discharge due to drug abuse. A staff judge advocate reviewed your case finding it sufficient in law and fact. On 27 April 1989, the separation authority directed you receive an OTH discharge due to drug abuse. On 26 May 1989, 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 available evidence, there is insufficient evidence that you may have incurred an unfitting mental health condition during military service. There is insufficient evidence that your misconduct could be attributed to 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 during your military service, you experienced a high amount of anxiety and depression due to events going on in your personal life, and statements of support from your family and friends attesting to your character and contributions. 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 misconduct that resulted in NJP for wrongful drug use, and that you were counseled on more than one occasion regarding your performance conduct outweighed these mitigating factors. The Board also concurred with the AO that based on the available evidence, there is insufficient evidence that you may have incurred an unfitting mental health condition during military service. There is insufficient evidence that your misconduct could be attributed to 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

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,

3/25/2022

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Executive Director

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