



false official statement, and operating a vehicle while drunk. Despite these infractions, on 4 November 2003, you were issued a counseling warning retaining you in the Marine Corps and advising you that further violations of the Uniform Code of Military Justice (UCMJ) may result in judicial or adverse administrative action, including but not limited to administrative separation.

As a result of a substance abuse evaluation of 19 November 2003, you were determined to be alcohol dependent and recommended to intensive outpatient treatment. The evaluation further captured you should be held accountable for your actions. On 12 January 2004, you reported for treatment at the Substance Abuse Rehabilitation Program (SARP). Unfortunately, on 20 January 2004, you refused further treatment and were discharged from SARP. On 10 February 2004, you were found guilty during a summary court-martial (SCM) for three specification of UA and sentenced to be confined for 30 days, to forfeit 2/3 pay per month for one (1) month, and to be reduced in rank to E-1. On 19 April 2004, you received a third NJP for wrongfully using cocaine. You were subsequently notified of your pending administrative separation due to pattern of misconduct (POM), alcohol abuse rehabilitation failure, and drug abuse. Further, you were notified of your Commanding Officer's (CO) intent to recommend to the separation authority that you be discharged with an other than honorable (OTH) characterization of service. On 27 May 2004, the separation authority directed you be discharged with an OTH for drug abuse and on 15 June 2004 you were so discharged. On 26 August 2010, your request for an upgrade of your discharge to a general (under honorable conditions) (GEN) characterization of service and a narrative change to your separation reason was heard at the naval discharge review board (NDRB). In your application you contended positive drug tests were incorrect which made your discharge unjust. You also contended you did not know you waived your right to appeal your administrative separation processing, also causing your discharge to be inequitable. The NDRB found no relief was warranted.

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 contentions that you regretfully made some poor decisions, there were misunderstandings in regards to the timeline of events which caused your command to jump to conclusions, and the timeline/actions listed were either not as they occurred or you were never notified of them. The Board viewed your allegations with serious concern. However, this Board is not an investigating agency nor does it have the resources to investigate unsubstantiated allegations. Additionally, while the Board acknowledged your post-service educational accomplishments, they also noted you did not submit advocacy letters to be considered for clemency purposes. 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 (3) NJPs, SCM, and drug use, outweighed these mitigating factors due to the seriousness of your misconduct. In making this finding, the Board noted that you were offered multiple chances by the Marine Corps despite your repeated misconduct and chose to continue to commit offenses that negatively affected the good order and discipline of your command. In the Board's opinion, you showed a complete disregard for military authority during your period of active duty that could not be offset the mitigation evidence you submitted. As such, the Board determined your OTH characterization of service remains appropriate. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

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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,

2/22/2022

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Executive Director

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