



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

██████████
Docket No: 0376-22
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER ██████████
██████████ USMC

Ref: (a) 10 U.S.C. 1552
(b) USECDEF Memo, "Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations," of 25 July 2018

Encl: (1) DD Form 149 with attachments
(2) Case summary

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his naval record be corrected by changing the characterization of service on his Certificate of Release or Discharge from Active Duty (DD Form 214).

2. The Board consisting of ██████████ and ██████████ reviewed Petitioner's allegation of injustice on 14 February 2022 and, pursuant to its regulations, determined the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's 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).

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to review the application on its merits.

c. Petitioner enlisted in the U.S. Marine Corps and began a period of active duty on 6 November 1984 for a period of four (4) years and reenlisted on 14 July 1988. On 1 December 1989, he received his first nonjudicial punishment (NJP) for wrongful use of amphetamine/methamphetamine. On 8 December 1989, Petitioner was counseled concerning his

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED]

[REDACTED] USMC

illegal drug involvement and for testing positive for amphetamine/methamphetamine on a urinalysis. On 11 December 1989, he was placed on a urinalysis surveillance program awaiting an appointment with the Consolidated Substance Abuse Counseling Center (CSSAC). Although provided with an opportunity to submit a statement on his behalf Petitioner chose not to do so. On 14 February 1990, Petitioner received a second NJP for violating an order, showing contempt towards an E-6, and willfully disobeying a battalion order. Petitioner appealed this NJP and his appeal was denied. Petitioner received additional counseling entries ranging from not being recommended for promotion due to his NJP to concerns over his continued poor personal conduct and frequent involvement with military authorities. On 28 June 1991, he received a third NJP for being disrespectful towards an E-8, disobeying an order, and dereliction of duty. On 17 September 1991, Petitioner was found guilty of wrongfully using methamphetamines at a summary court-martial (SCM) and was sentenced to be confined for 30 days and to be reduced in rank to E-1. On 16 October 1991, Petitioner was notified of his impending separation by reason of misconduct due to a Pattern of Misconduct (POM) and drug abuse. A 5 November 1991, a medical evaluation documents Petitioner is not drug or alcohol dependent. Subsequently, Petitioner's Commanding Officer's (CO) recommendation of 7 November 1991, captures he was not dependent on methamphetamines. His CO also recommended to the discharge authority that he be separated with an other than honorable (OTH) characterization of service due to a POM and drug abuse. On 3 December 1991, he was afforded the opportunity to enroll in treatment/rehabilitation programs and declined assistance. The discharge authority agreed with his CO and directed he be discharged with an OTH for drug abuse. On 24 January 1992, Petitioner was so discharged.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants partial relief. The Board reviewed the application under the guidance provided in reference (b).

In regard to the Petitioner's request that his characterization be upgraded to honorable, the Board determined relief is not warranted.

The Board, taking into account his commanding officer's recommendation, after reviewing the record holistically, and given the totality of the circumstances, concluded the honorable service of Petitioner's first enlistment should be documented.

RECOMMENDATION:

In view of the above, the Board directs the following corrective action:

Petitioner be issued a DD Form 215 correction to Certificate of Release or Discharge from Active Duty (DD 214) adding "Continued Honorable Service from 6 November 1984 to 14 July 1988" to block 18.

No further changes be made to Petitioner's record.

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED]
[REDACTED] USMC

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.

3/4/2022

[REDACTED]

Executive Director

[REDACTED]