

27 March 1985, you were counseled concerning your previous NJPs. You were advised that failure to take corrective action could result in administrative separation. On 6 June 1985, you were convicted by summary court martial (SCM) for two instances of wrongful use of a controlled substance-marijuana. You were sentenced reduction to the rank of E-1, confinement at hard labor, and forfeiture of pay. On 19 June 1985, you were notified of the initiation of administrative separation proceedings by reason of misconduct due to drug abuse. On 24 June 1985, you elected to waive all your procedural rights. On 25 June 1985, your commanding officer recommended an Other Than Honorable (OTH) discharge characterization of service by reason of misconduct due to drug abuse. On 16 August 1985, your administrative separation proceedings were determined to be sufficient in law and fact. On 19 August 1985, the discharge authority approved and ordered an OTH discharge characterization of service by reason of misconduct due to drug abuse. On 21 August 1985, you were discharged.

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 contention that you have exhibited positive post service work history as a journeyman electrician for 35 years that you suffered a very traumatic childhood, and that you did not have the ability to cope with anxiety or to become more mature. For purposes of clemency consideration, the Board noted you provided supporting documentation describing post-service accomplishments but not advocacy letters.

Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your repeated misconduct, as evidenced by your NJPs and SCM, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact it involved multiple incidents of drug abuse. Ultimately, the Board concluded your conduct showed a complete disregard for military authority and regulations. In particular, the Board noted you were counseled and retained after your first drug offense but chose to commit a second drug related offense. As a result, the Board concluded your conduct constituted a significant departure from that expected of a Marine and continues to warrant an OTH characterization. After applying liberal consideration and despite your post-discharge accomplishments, the Board did not find evidence of an error or injustice that warrants upgrading your characterization of service or granting clemency in the form of an upgraded characterization of service. 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 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, _____

6/6/2022

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Executive Director

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