



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: 3708-22
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although you did not file your application in a timely manner, the statute of limitations was waived in the interests of justice. A three-member panel of the Board, sitting in executive session, considered your application on 3 June 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 this 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 and entered a period of active duty in the Marine Corps on 9 September 2002. On 12 December 2003, you were convicted by summary court martial (SCM) of wrongful marijuana use in violation of Article 112a, Uniform Code of Military Justice (UCMJ). On 7 April 2004, you were convicted by special court martial (SPCM) of two specifications of wrongful marijuana use in violation of Article 112a, UCMJ. You were sentenced to confinement for 100 days and to be discharged with a Bad Conduct Discharge (BCD). The U.S. Navy-Marine Corps Court of Criminal Appeals affirmed the findings and sentence and, on 28 April 2005, you were discharged with a BCD.

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 desire to upgrade your discharge and contentions that it is hard to find employment with your discharge, that you did not have any help filling out the application, and that you have no information pertaining to your service record or prior service. For purposes of

