



compound with intent to induce intoxication, excitement and/or stupefaction of the central nervous system, conspire with several Marines to commit an offense under the UCMJ, and wrongfully using provoking and/or reproachful words. As punishment, you were sentenced to confinement, forfeiture of pay, reduction in rank, and a Bad Conduct Discharge (BCD). On 22 July 2003, you were informed that you were authorized voluntary appellate leave pending the Convening Authority approving your court-martial sentence, and upon CA's approval of your punitive discharge, you would be notified that your voluntary appellate leave status will be changed to involuntary appellate leave status. On 2 August 2004, you were transferred to the Navy and Marine Corps Appellate Leave Activity (NAMALA). You were informed that your leave status was changed to involuntary appellate leave, and you were to remain assigned to the NAMALA pending appellate review of the punitive discharge. The BCD was subsequently approved at all levels of review and, on 22 August 2007, you were so 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 desire to upgrade your discharge character of service and correct your date of discharge. The Board also considered your contentions that your discharge was unjust, your discharge was the result of you using "Alpha-Methyltryptamin (AMT)," the product was purchased over the counter while you were stationed in Japan, and you believed that it was legal. You state that you informed your chain of command that you were using AMT. You further contend that you was made an example of rather than receiving an "Under Honorable or Under Other Than Honorable Discharge in which other drug use separation are issued." For purposes of clemency consideration, the Board noted you did not provide supporting documentation describing post-service accomplishments or advocacy letters.

Based upon this review, the Board concluded that your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined your misconduct as evidenced by your two SPCM convictions, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct, which involved a drug offense, and concluded that it showed a complete disregard of military authority and regulations. The Board determined that illegal drug use by a Marine is contrary to Marine core values and policy, renders such Marines unfit for duty, and poses an unnecessary risk to the safety of their fellow Marines. The Board also considered the negative impact your conduct likely had on the good order and discipline of your command. Furthermore, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating veterans' benefits, or enhancing educational or employment opportunities. Finally, despite your arguments of unfairness, the Board further concluded that the discharge was proper and equitable under standards of law and discipline and that the discharge accurately reflects your conduct during your period of service, which was terminated by your BCD. The Board noted that your BCD was issued by a court-martial during which you were afforded all the required due process required by law. As a result, the Board determined your conduct constituted a significant departure from that expected of a Marine and continues to warrant a BCD. After applying liberal consideration, 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 your request does not merit relief.

