



and wrongful overindulgence in intoxicating liquor while on duty. On 7 October 2002, you were counseled concerning your lack of judgement, drinking on duty, UA, and wrongful possession of THC. You were advised that failure to take corrective action could result in administrative separation. On 31 January 2003, you were diagnosed with alcohol dependency.

On 4 February 2003, you were notified of the initiation of administrative separation proceedings by reason of misconduct due to drug abuse. On 5 February 2003, you decided to waive your procedural rights. On 11 February 2003, your commanding officer recommended an Other Than Honorable (OTH) discharge characterization by reason of misconduct due to drug abuse. On 24 April 2003, the separation authority approved the recommendation and ordered your discharge. On 11 June 2003, 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 for a discharge upgrade and contentions that you are seeking to apply for Department of Veterans Affairs benefits, you are currently suffering from numerous medical issues, and you were struggling with personal issues at the time, and your chain of command lied to you. For purposes of clemency and equity consideration, the Board noted you did not provide supporting documentation describing post-service accomplishments or advocacy letters.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your NJP, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact it included a drug offense. The Board determined that illegal drug use by a service member is contrary to military core values and policy, renders such members unfit for duty, and poses an unnecessary risk to the safety of their fellow service members. The Board noted that marijuana use in any form is still against Department of Defense regulations and not permitted for recreational use while serving in the military. The Board also considered the likely negative impact your conduct had on the good order and discipline of your unit. Finally, 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. 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. Even in light of the Wilkie Memo and reviewing the record holistically, the Board did not find evidence of an error or injustice that warrants granting you the relief you requested or granting relief as a matter of clemency or equity. 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,

1/26/2023

