



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

██████████
Docket No. 1621-24
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.

Because your application was submitted with new contentions not previously considered, the Board found it in the interest of justice to review your application. Your current request has been carefully examined by a three-member panel, sitting in executive session on 29 March 2024. 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 the 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 in the Marine Corps and commenced a period of active duty on 8 July 1975. You were recommended for administrative separation after you tested positive on urine sample for pre-service drug abuse. You provided a statement admitting that you did not inform your recruiter of your preservice drug use. Consequently, your commanding officer recommended your separation from the Marine Corps due to your drug use. The separation authority approved and directed your discharge with an Honorable character of service by reason unsuitability due to drug abuse. On 6 October 1975, you were so discharged.

You previously applied to this agency for a disability discharge. The Board denied your request, on 20 June 2013, after concluding your discharge was proper as issued.

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 request for a discharge upgrade and a change to your narrative reason for separation. You contend that you were not using drugs while you were on active duty and need to know why you were discharged.

After thorough review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. The Board determined your narrative reason for separation remains appropriate in light of your voluntary statement admitting to your failure to disclose pre-service drug abuse. 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.

Regarding your request for a discharge characterization upgrade, as discussed above, your record indicates you were discharged with an Honorable characterization of service. Therefore, the Board took no action on that aspect of your petition.

You are entitled to have the Board reconsider its decision upon 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,

4/16/2024

