



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

█  
Docket No. 2694-24

Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. 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 your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 1 July 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).

During your enlistment processing you were granted an enlistment waiver for minor traffic infractions. You enlisted in the U.S. Marine Corps and commenced a period of active duty on 28 June 1979. On 7 November 1979, you received your first nonjudicial punishment (NJP) for leaving your post as a fire watch without proper relief. Subsequently, you received four additional NJPs for multiple infractions of unauthorized absences (UAs). You were also counseled numerous times for infractions ranging from introduction of alcoholic beverages into the BEQ (bachelor's enlisted quarters), for which you were referred to CAC (counseling and assistance center), to your frequent involvement with military authorities. Notably, on 23 June 1981, you were counseled regarding a routine gate search in which 10 bags of marijuana were recovered from your car.

Consequently, you were notified of your pending administrative discharge processing by reason of drug abuse, at which time you elected your rights to consult with counsel and to have your case heard before an administrative discharge board (ADB). On 27 Aug 1982, an ADB was convened and determined that a preponderance of the evidence supported a finding of

misconduct and recommended that you be separated from the Marine Corps with an Other Than Honorable (OTH) characterization of service. Your commanding officer (CO) concurred with the ADB and commented that 19.2 grams of marijuana were found in your car, your case was referred to a special court-martial, you were involved in a verbal altercation with civilian authorities to include involvement with a juvenile runaway, you had numerous incidents of alcohol abuse for which you were referred to NASAP (Navy Alcohol Safety Action Program) but failed to go, you received five NJPs in two years, your average Conduct was 3.7 and you were Proficient in your MOS (military occupational specialty). In closing your CO opined that your immaturity would constantly lead you back to similarly related incidents. The separation authority accepted the recommendation and, on 29 September 1982, you were so discharged.

Your previous discharge upgrade request was denied by the Naval Discharge Review Board (NDRB) on 13 November 1986.

The Board carefully considered all potentially mitigating factors to determine whether the interest 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 your contentions that: (1) you lost your mentor, best friend, and fellow Marine who died in your arms after a game of Russian roulette, (2) in 1981, no one understood PTSD (post-traumatic stress disorder), (3) after losing your best friend your conduct declined along with your will to live, and (4) with suicide hiding in the background for all these years, "I am still here and have spent my life looking out for anyone in need. That's what marines do." Additionally, the Board noted you checked the "PTSD" box on your application but chose not to respond to the 30 April 2024 letter from the Board requesting evidence in support of your claim. For purposes of clemency and equity consideration, the Board noted you did not provide documentation describing post-service accomplishments or advocacy letters.

After a 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 NJPs and drug possession, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact that 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 possession is still against Department of Defense regulations and not permitted for recreational use while serving in the military. The Board also noted that the misconduct that led to your administrative separation was substantial and would likely have resulted in a punitive discharge and/or extensive punishment at a court-martial. Therefore, the Board determined that you already received a large measure of clemency when the convening authority agreed to administratively separate you instead of proceeding with a trial by court-martial. Finally, the Board noted you provided no evidence, other than your statement, to substantiate your contentions.

As a result, the Board concluded your conduct constituted a significant departure from that expected of a service member 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 is attached 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,

7/19/2024

