



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

██████████  
Docket No. 9307-24  
Ref: Signature Date

████████████████████  
████████████████████  
████████████████████

Dear ██████████

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 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 13 January 2025. 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 in the Marine Corps and commenced active duty on 22 December 1977. On 3 March 1980, your Official Military Personnel File (OMPF) administrative remarks reflect you acknowledged receiving Drug Abuse orientation.

On 8 April 1982, you commenced a period of unauthorized absence (UA) ended on 13 April 1982. On 5 May 1982, you commenced a period of UA that ended on 7 May 1982. On 19 May 1982, you commenced a period of UA that ended on 24 May 1982. Subsequently, on 26 May 1982, you received non-judicial punishment (NJP) for UA and an orders violation. Your punishment included 30 days of corrective custody. On 28 May 1982, you escaped custody and commenced a period of UA that ended on 6 December 1982.

On 11 January 1983, you were convicted at Special Court-Martial (SPCM) of violating Article 86 of the Uniform Code of Military Justice (UCMJ) – UA, Article 92 of the UCMJ – violation of a lawful general regulation by wrongfully possessing approximately 252g of marijuana, and

Article 95 of the UCMJ – escape from custody and wrongfully solicitation of a fellow Marine to possess marijuana. You were sentenced to forfeiture of \$200 pay per month for a period of three months, confinement at hard labor for 50 days, reduction to paygrade E1, and a Bad Conduct Discharge (BCD).

Following appropriate review of your trial proceedings, the Convening Authority reduced your confinement to 45 days at hard labor. The remainder of your sentence remained unchanged and, after completion of all remaining levels of review, you were so discharged on 23 August 1983.

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 change your discharge characterization of service and your contentions that you were having mental and emotional issues in service, you had a marijuana addiction that started and resulted from your military service, and you were young and did what the older Marines were doing. Additionally, the Board noted you checked the “Mental Health” box on your application but chose not to respond to the Board’s request for supporting evidence of your claim. For purposes of clemency and equity consideration, the Board noted the evidence you provided in support of your application, including your Honorable discharge certificate from your service in the Army.

After thorough review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your NJP and SPCM conviction, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact it involved 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 found that your conduct, in total, showed a complete disregard for military authority and regulations. Finally, the Board observed that you were given an opportunity to correct your conduct deficiencies but chose to continue to commit misconduct, which led to your BCD. Your conduct not only showed a pattern of misconduct but was sufficiently pervasive and serious to negatively affect the good order and discipline of your command.

As a result, the Board concluded your conduct constituted a significant departure from that expected of a service member and continues to warrant a BCD. While the Board carefully considered the evidence you submitted in mitigation, 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. Ultimately, the Board concluded the mitigation evidence you provided was insufficient to outweigh the seriousness of your misconduct. 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 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,

2/5/2025

