



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

██████████
Docket No. 9597-24
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 21 February 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 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 to the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice or clemency determinations (Wilkie Memo).

The Board determined that your personal appearance, with or without counsel, would not materially add to the understanding of the issues involved. Therefore, the Board determined a personal appearance was not necessary and considered your case based on evidence of record.

You enlisted in the Marine Corps with waivers for pre-service history of drug use, misdemeanor traffic offenses and illegal consumption. You began a period of active duty on 22 November 1982. On 15 June 1983, you were subject to nonjudicial punishment (NJP) for two violations of Article 134 of the Uniform Code of Military Justice (UCMJ) after being found incapacitated for proper performance of duty as a result of previous indulgence in intoxicating liquor and wrongfully falling asleep while posted as fire watch. You were subsequently issued administrative counseling advising you to correct conduct deficiencies; to include behaving with disrespect toward noncommissioned officers. On 17 August 1983, you were counseled regarding a positive drug screening urinalysis test and subject to a second NJP for violation of Article 134 of the UCMJ due to wrongful use of marijuana. After you were placed on restriction and counseled to cease use of illegal drugs, you were absent without authority between 4 November

1983 and 9 November 1983. Following your return, you were tried and convicted by Summary Court-Martial (SCM) for violating Article 86 of the UCMJ by your unauthorized absence (UA) and Article 134 for breaking restriction.

On 8 January 1984, you received emergency medical care and were hospitalized for an alcohol-related motorcycle accident after you struck a guard rail, were thrown off your motorcycle, and fell down a 30' cliff. In spite of your additional misconduct and your accident, you continued serving until, on 6 March 1984, you were again counseled after a positive urinalysis for drug abuse. On 7 March 1984, you were subject to a third NJP for two specifications of violation of Article 86 after failing to go to security watch at the time prescribed.

Subsequently, you were notified of processing for administrative separation by reason of misconduct due to drug abuse and due to a pattern of misconduct. You voluntarily elected to waive your right to consult legal counsel, to request a hearing before an administrative separation board, and submit a statement regarding your proposed separation. A recommendation for your discharge under Other Than Honorable (OTH) conditions was forwarded for review and action. This recommendation was subject to legal review by the Staff Judge Advocate; which found the proceedings sufficient in law and fact to support the administrative discharge action. Ultimately, Commanding General, ██████████ approved your separation under OTH conditions for the primary reason of a pattern of misconduct. You were assigned an "RE-3B" reentry code to reflect your history of in-service drug abuse and you were so discharged on 25 April 1984.

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 and correct your "altered" records to reflect "the truth." In primary part, you contend that your platoon commander was unfit to lead and absented himself without authority; which you claim caused a security breach, required you to take over command, and was then covered up. You believe you were betrayed by the Marine Corps and were made to be a fall guy for the incident. In addition, you checked the "PTSD" and "Other Mental Health" boxes on your application but chose not to respond to the Board's request for supporting evidence of your claims. For purposes of clemency and equity consideration, the Board noted you did not provide 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 NJPs and SCM, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and found that your conduct showed a complete disregard for military authority and regulations. The Board observed you were given multiple opportunities to correct your conduct deficiencies but chose to continue to commit misconduct; which led to your OTH discharge. 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. Finally, the Board noted you provided no evidence, other than your statement, to substantiate your contentions. The Board found no evidence in your record to support your allegations of mistreatment or misconduct by the Marine Corps.

As a result, the Board determined that there was no impropriety or inequity in your discharge and concluded that your misconduct and disregard for good order and discipline clearly merited your

discharge. 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,

3/21/2025

