



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

██████████
Docket No. 0891-25
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER ██████████
██████████ XXX XX ██████████ USMC

Ref: (a) 10 U.S.C. §1552
(b) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 w/attachments
(2) Naval record (excerpts)

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board) requesting that his discharge be upgraded.

2. The Board, consisting of ██████████, ██████████ and ██████████, reviewed Petitioner's allegations of error and injustice on 19 May 2025 and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, applicable statutes, regulations, and policies, to include reference (b).

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although Petitioner's 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 the case on its merits.

c. Petitioner was granted an enlistment waiver for traffic infractions and drug use. On 14 May 1986, he acknowledged the Marine Corps policy on illegal drug use by signing a Statement of Understanding.

d. Petitioner enlisted in the U.S. Marine Corps and began a period of active duty on 5 August 1986. After completing a period of continuous Honorable service, Petitioner immediately reenlisted and commenced a second period of active duty on 2 June 1990.

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[REDACTED] XXX XX [REDACTED] USMC

e. On 19 August 1992, a summary court-martial (SCM) found Petitioner guilty of the wrongful use of marijuana and sentenced him to be confined for 30 days, to be reduced in rank to E-2, and to forfeit 1/2 months pay per month for one month.

f. Subsequently, Petitioner was notified of his pending administrative separation by reason of drug abuse and elected his right to have his case heard before an administrative discharge board.

g. On 2 April 1993, an administrative discharge board (ADB) convened and unanimously determined, by a preponderance of the evidence, that Petitioner committed drug abuse. The ADB further recommended he be discharged with an Other Than Honorable (OTH) characterization of service. The Separation Authority approved the recommendation and Petitioner was so discharged on 30 April 1993. Upon his discharge, Petitioner was issued a DD Form 214 that did not annotate his period of continuous Honorable from 5 August 1986 to 1 June 1990.

h. Petitioner contends that a key witness failed to appear and present evidence in his defense after being dissuaded by the witness' spouse. He adds that he did not fully understand the implications of the decisions he made regarding his plea agreement. Petitioner also checked the "Other Mental Health" box on his application but chose not to respond to the 31 January 2025 letter from the Board requesting evidence in support of his claim.

i. For purposes of clemency and equity consideration, Petitioner did not provide any evidence to substantiate his contentions.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants partial relief. Specifically, as noted above, Petitioner's DD Form 214 did not annotate his period of continuous Honorable service and requires correction.

Regarding Petitioner's request that his characterization of service be upgraded, the Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrants relief in Petitioner's case in accordance with reference (b). These included, but were not limited to, Petitioner's desire for a discharge upgrade and the previously mentioned contentions.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that his misconduct, as evidenced by his SCM, outweighed any mitigating factors presented. In making this finding, the Board considered the seriousness of his 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. Additionally, the Board observed that Petitioner provided no evidence, other than his statement, to substantiate his contentions. Therefore, the Board determined that the presumption of regularity applied to Petitioner's ADB findings.

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[REDACTED] XXX XX [REDACTED] USMC

As a result, the Board determined that there was no impropriety or inequity in Petitioner's discharge and concluded that his misconduct and disregard for good order and discipline clearly merited his 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 Petitioner the relief he requested or granting the requested relief as a matter of clemency or equity.

RECOMMENDATION:

In view of the above, the Board recommends that the following corrective action be taken on Petitioner's naval record in the interests of justice:

That the Petitioner be issued a Correction to DD Form 214, Certificate of Release or Discharge from Active Duty (DD Form 215), for the period ending 30 April 1993, indicating his continuous Honorable service for the period of 5 August 1986 through 1 June 1990.

That no further changes be made to Petitioner's record.

That a copy of this record of proceedings be filed in Petitioner's naval record.

4. It is certified that quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

5/28/2025

[REDACTED]