



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

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Docket No. 2067-25
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 16 June 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, 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 began a period of active duty on 21 December 1983. Prior to commencing active duty, you received a moral waiver and admitted preservice arrest. Between 24 September 1984 and 21 January 1985, you received nonjudicial punishment (NJP) in two occasions for disobeying a lawful order, unauthorized absence (UA) from appointed place of duty, and wrongful use of a controlled substance-marijuana. On 7 February 1985, you were counselled concerning the wrongful use of illegal drugs and advised that failure to take corrective action could result in administrative separation.

On 12 June 1985, you were counseled concerning your failure to meet USMC grooming standards and advised that failure to take corrective action could result in administrative separation. Between 27 September 1985 and 22 October 1985, you received two additional NJPs for damage to government property and sleeping while on security watch. On 12 November 1985, you began a period of UA which lasted 5 hours and 20 minutes. On 19 November 1985,

you were counseled concerning performance and conduct below military standards. You were advised that failure to take corrective action could result in administrative separation.

On 19 December 1985, you were convicted by special court martial (SPCM) for a period of UA from appointed place of duty, disobeying a lawful order from a superior officer, drunk while post as a security watch, and overindulgence of alcohol resulting on you been incapacitated for the proper performance of duties. You were sentenced to a Bad Conduct Discharge (BCD), a period of confinement, and forfeiture of pay. On 22 January 1986, the convening authority approved your SPCM sentence. On 16 May 1986, you were convicted by SPCM for wrongful use of a controlled substance-marijuana, assisting in the escape of another prisoner, and a period of UA from appointed place of duty. You were sentenced to another BCD, a period of confinement, and forfeiture of pay. Subsequently, the convening authority approved your SPCM sentence and you were so discharged on 6 October 1986.

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 for a discharge upgrade and contentions that: (a) you were a good Marine who used marijuana to cope with the stress and the pressure of being discriminated against, and (b) your commander was very prejudiced and you felt overlooked. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted solely of your DD Form 149 without any other additional documentation.

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 SPCMs, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact 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 use in any form is still against Department of Defense regulations and not permitted for recreational use while serving in the military. Further, the Board 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 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 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 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,

7/3/2025

