



On 8 October 1981, you received your second NJP for failure to go at the prescribed time to your rehabilitation classes. On 16 October 1981, you received a mental health evaluation for drug and alcohol problems. During your evaluation, you denied any problems with alcohol or illicit drugs and did not desire any assistance. On 4 November 1981, you received your third NJP for failure to go at the time prescribed to your appointed place of duty, failure to obey a lawful order issued by Provost Marshal Office (PMO) to not to drive a vehicle on base for at least 12 hours after a DWI, and operating a vehicle while drunk and in a reckless manner. On 25 January 1982, an informal inquiry was conducted to determine your fitness for retention or administrative discharge. The inquiry stated in part:

[Petitioner] is presently having a severe problem with drug abuse and alcoholism. He presently has three NJPs and is under charges in █ for a DWI. In addition, his urine has been positive for THC (marijuana) and cocaine. In the past he has had office hours a few times for problems related to his drinking. His father does drink quit a bit and may be an alcoholic also. My recommendation is for him to have an administrative discharge as I feel any inpatient treatment would fail to solve his alcoholism at this time.

Subsequently, you were notified that you were being recommended for administrative Discharge from the Marine Corps by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. You were informed that the least favorable characterization of service you may receive is Under Other Than Honorable (OTH) conditions. You elected your right to consult with counsel and present your case to an administrative discharge board (ADB). On 19 February 1982, the ADB was convened and found that by the preponderance of the evidence supported a finding that you committed misconduct. You were recommended for discharge from the Marine Corps with an OTH characterization of service. Ultimately, the separation authority approved the recommendation for ADB and you were so discharged on 29 March 1982.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Kurta, Hagel, and Wilkie Memos. These included, but were not limited to, your desire to upgrade your discharge character of service and contentions that: (1) you were under duress due to your impending divorce and were not given any assistance or counseling, (2) you self-medicated to alleviate your stress, (3) you started smoking marijuana and drinking alcohol to cope with your stress, (4) since your discharge you have demonstrated remarkable rehabilitation and positive citizenship, (5) after a brief period of continued difficulty immediately post-service you have maintained a completely clean legal record for over 30 years, established a successful career as a Union Electrician, and have maintained a stable marriage over thirty years, and (6) your extraordinary 30-year history of rehabilitation, stable family relationships, and successful career demonstrates that your isolated incident was an anomaly during a period of personal crisis rather than a reflection of your character or service contribution. For purposes of clemency and equity consideration, the Board considered the totality of your application; which included your DD Form 149 and the evidence you provided in support of it.

As part of the Board's review, a qualified mental health professional reviewed your contentions and the available records and provided the Board with an AO on 5 June 2025. The AO stated in pertinent part:

Petitioner was evaluated for mental health concerns during military service and denied symptoms of a diagnosable condition. While there is behavioral evidence of a possible Alcohol Use Disorder, there is insufficient evidence to attribute this diagnosis to military service given pre-service behavior that appears to have continued in service. He has provided no medical evidence to support his claims. Unfortunately, available records are not sufficiently detailed to establish clinical symptoms in service or provide a nexus with his misconduct. Additional records (e.g., post-service mental health records describing the Petitioner's diagnosis, symptoms, and their specific link to his misconduct) may aid in rendering an alternate opinion.

The AO concluded, "There is insufficient evidence of a mental health condition that may be attributed to military service. There is insufficient evidence that his misconduct may be attributed to a mental health condition."

After thorough review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evident by your NJPs and multiple use of a controlled substance, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact it involved drug offenses. 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 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 also noted that you were provided multiple opportunities to correct your conduct deficiencies during your service but you continued to commit additional 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.

Further, the Board concurred with the AO that there is insufficient evidence of a mental health condition that may be attributed to military service and there is insufficient evidence that your misconduct may be attributed to a mental health condition. As the AO explained, the available records are not sufficiently detailed to establish clinical symptoms in service or provide a nexus with your misconduct. The Board agreed that, while there is behavioral evidence of a possible Alcohol Use Disorder, there is insufficient evidence to attribute this diagnosis to military service given your pre-service behavior that appears to have continued in service. In the end, the Board determined that the evidence of record did not demonstrate that you were not mentally responsible for your conduct or that you should not be held accountable for your actions. Moreover, even if the Board assumed that your misconduct was somehow attributable to any mental health conditions, the Board unequivocally concluded that the severity of your serious misconduct more than outweighed the potential mitigation offered by any mental health conditions.

Finally, the Board observed that character of military service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your overall active-duty trait average calculated from your available performance evaluations during your enlistment was approximately 3.5 in conduct. Marine Corps regulations in place at the time of your discharge recommended a minimum trait average of 4.0 in conduct (proper military behavior) for a fully Honorable characterization of service. The Board concluded that your misconduct was not minor in nature and that your conduct marks during your active-duty career were a direct result of your serious misconduct and further justified your OTH characterization.

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. While the Board carefully considered the evidence you submitted in mitigation and commends you for your post-discharge sobriety and rehabilitation, even in light of the Kurta, Hagel, and Wilkie Memos and reviewing the record liberally and 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,

8/15/2025

