



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

Docket No. 2295-25
Ref: Signature Date

Dear Petitioner:

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 you did not file your application in a timely manner, the statute of limitation was waived in accordance with the 25 August 2017 guidance from the Office of the Under Secretary of Defense for Personnel and Readiness (Kurta Memo). A three-member panel of the Board, sitting in executive session, considered your application on 19 August 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 Kurta Memo, the 3 September 2014 guidance from the Secretary of Defense regarding discharge upgrade requests by Veterans claiming post-traumatic stress disorder (PTSD) (Hagel Memo), and 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 also considered the advisory opinion (AO) furnished by a qualified mental health professional. Although you were provided an opportunity to respond to the AO, you chose not to do so.

You enlisted in the Marine Corps and commenced active duty on 21 August 1969. On 17 October 1969, you received non-judicial punishment (NJP) for disobeying a lawful order. You served in [REDACTED] from 28 July 1970 to 28 September 1970.

On 28 December 1970, you received NJP for sleeping on post and for leaving your post before being properly relieved. On 14 April 1971, you received NJP for suspected possession and use of marijuana. On 28 February 1972, you were granted an exemption from disciplinary action for your admitted use of marijuana and lysergic acid diethylamide (LSD) and signed a statement of

understanding that any undisclosed previous incident or any further incident of drug abuse would be subject to disciplinary action and in processing for administrative discharge.

On 16 May 1972, you were admitted to a Naval Drug Rehabilitation Center where you disclosed marijuana, LSD, amphetamine, and mescaline use. You reported that your marijuana use began 72 months prior (pre-service) and your hallucinogen use began 27 months prior (pre-deployment). You further disclosed that you began your drug use out of curiosity and continued to use drugs because you enjoyed them. You stated that you applied for the drug exemption program to get out of the Marine Corps, were not motivated for rehabilitation, and had been drug free since February. You tested positive for methamphetamines on one occasion while in treatment and were assessed as able, but not suitable, for duty. You were referred to a Resident Evaluation Board who found you not motivated for a return to duty and recommended your discharge.

Consequently, you were notified of pending administrative separation processing with a least favorable characterization of service of General (Under Honorable Conditions) (GEN) by reason of in-service drug abuse. You waived your rights to consult counsel or submit a statement. The separation authority subsequently directed your discharge with a characterization of service warranted by your service record. On 2 August 1972, you were discharged from the Naval Drug Rehabilitation Center. On 8 August 1972, you were discharged from the Marine Corps with a GEN characterization of service. Your final conduct trait average was 3.9.

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 change your discharge characterization of service and your contentions that you served in Vietnam without incident, only started using drugs after returning from combat in ■ to cope with PTSD, did not use drugs prior to service, and you have struggled post-service but are now rehabilitated. . For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted of your DD Form 149, your personal statement, an advocacy letter, professional certificates, a statement in support of a Department of Veterans Affairs claim, awards listing, and picture of a shadow box you provided.

As part of the Board's review process, a qualified mental health professional reviewed your contentions and the available records and issued an AO on 13 August 2025. The AO stated in pertinent part:

Petitioner contends he incurred mental health issues (PTSD) during military service, which may have contributed to the circumstances of his separation from service.

There is no evidence that the Petitioner was diagnosed with a mental health condition during his military service or that he suffered from any symptoms incurred by a mental health condition. He never cited PTSD or any other mental health symptoms as having caused his drug use either during evaluation while in rehabilitation or during any discharge proceedings. Furthermore, psychological

assessment in service (1972) noted that substance abuse started “72 months” prior; this would suggest his abuse of drugs started in 1966 – pre service. One of the Petitioner’s NJP’s occurred prior to his tour in service. He did not submit any medical evidence in support of his claim. His personal statement is not sufficiently detailed to provide a nexus between his misconduct and any in-service mental health condition.

The AO concluded, “it is my clinical opinion that there is insufficient evidence of a mental health condition (PTSD) that existed in service. There is insufficient evidence to attribute his misconduct 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 evidenced by your NJPs and admission of polysubstance abuse, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact it involved multiple 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. 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 GEN 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.

Additionally, the Board concurred with the AO and determined that there is insufficient evidence of a mental health condition (PTSD) that existed in service and insufficient evidence to attribute your misconduct to a mental health condition. As pointed out in the AO, your misconduct commenced previous to your deployment to ■ and inconsistencies exist between your current contentions and your in-service disclosure of pre-service and pre-deployment drug use. Further, the Board noted your in-service admission that you applied for the drug exemption program to facilitate a discharge. Therefore, 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 determined you already received a large measure of clemency when the Marine Corps assigned you a GEN characterization of service despite your extensive record of misconduct. While perfect service is not required to earn an Honorable characterization of service, the Board concluded that significant negative aspects of your service outweighed the positive aspects and continues to warrant a GEN 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, 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,

9/4/2025

