

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

[REDACTED] USMC

d. On 19 July 2002, Petitioner was issued an administrative remarks (Page 11) counseling concerning deficiencies in his performance and/or conduct, specifically dereliction of duty while serving as senior guard on duty by not maintaining radio communication with the other guard on duty. Petitioner was advised that any further deficiencies in his performance and/or conduct may result in disciplinary action and in processing for administrative discharge. On 3 March 2003, Petitioner received non-judicial punishment (NJP) for wrongful use of tetrahydrocannabinol (THC) after his command received notice of positive urinalysis on 25 February 1983.

e. Petitioner was notified of administrative separation processing, by reason of misconduct due to drug abuse, with a least favorable characterization of service of Under Other Than Honorable conditions (OTH). He consulted with counsel and waived his right to an administrative discharge board. On 7 March 2003, the separation authority directed a discharge with an OTH characterization of service and on 12 March 2003, he was so discharged.

f. Petitioner contends he desires an upgrade to his characterization of service so he can start receiving benefits from the Department of Veterans Affairs (VA). Petitioner did not provide supporting documentation describing post-service accomplishments or advocacy letters.

CONCLUSION

Upon careful review and consideration of all of the evidence of record, the Board determined that Petitioner's request warrants partial warrants relief. Specifically, the Board noted that Petitioner's DD Form 214 does not include a statement of continuous honorable service for his first enlistment. As a result, the Board determined that Petitioner's record shall be reviewed and corrections made to Block 18, "Remarks," of Petitioner's DD Form 214.

Notwithstanding the recommended corrective action below, the Board found no error or injustice in Petitioner's OTH characterization of service discharge for separation for misconduct due to drug abuse. The Board carefully considered all potentially mitigating factors, including whether the interests of justice warrant relief in Petitioner's case in accordance with reference (b).

After thorough review, the Board concluded Petitioner's potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that his misconduct, as evidenced by his NJP in his second enlistment, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of Petitioner's misconduct and the fact it involved 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 also noted that Petitioner's final Fitness Report included an addendum noting that he "stated he did drugs to beat the new stop-loss policy." Finally, absent an error or injustice, the Board declined to now summarily upgrade Petitioner's discharge solely for the purpose of facilitating veterans' benefits.

As a result, the Board concluded Petitioner's conduct constituted a significant departure from that expected of a service member and continues to warrant an OTH characterization. Even in light of the Wilkie Memos and reviewing the record holistically, the Board did not find evidence

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

[REDACTED] USMC

of an error or injustice that warrants granting him the relief he requested or granting relief as a matter of clemency or equity.

RECOMMENDATION

That Petitioner be issued a correction to DD Form 214 (DD Form 215) correcting Block 18, "Remarks" to indicate "CONTINUOUS HONORABLE ACTIVE SERVICE FROM 960827 UNTIL 010430."

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

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

4. It is certified that a 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 Regulation, 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.

7/18/2025

