



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

██████████
Docket No. 3285-25
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to 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 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 application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 15 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 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, and 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 originally enlisted in the U.S. Marine Corps Reserve and began a period of active duty service on 5 February 1985. Your pre-enlistment physical examination, on 19 October 1984, and self-reported medical history both noted no psychiatric or neurologic issues, conditions, or symptoms. Upon completion of your period of initial period of training, you were released from active duty and assigned to your Reserve unit. On 22 January 1990, you commenced a period of active duty.

On 12 January 1995 a Navy Drug Screening Laboratory message indicated that you tested positive for amphetamine/methamphetamine. On 23 June 1995, you received non-judicial punishment (NJP) for: (a) the wrongful use of a controlled substance (amphetamine/methamphetamine), and (b) you disobeyed an order to provide a urine sample for

testing and instead gave an adulterated sample. You did not appeal your NJP. At the time of your NJP, you were serving in the rank/grade of Staff Sergeant (E-6).

On 26 June 1995 your command notified you of administrative separation proceedings by reason of misconduct due to drug abuse. You consulted with counsel but waived your right to request a hearing before an administrative separation board. The Staff Judge Advocate to the Separation Authority (SA) determined that your separation proceedings were legally and factually sufficient. On 5 October 1995, the SA approved and directed your discharge with an under Other Than Honorable conditions (OTH) characterization. Ultimately, on 13 October 1995, you were separated from the Marine Corps for misconduct with an OTH discharge characterization and assigned an RE-4B reentry code. Upon your separation, you were administratively reduced in rank to Lance Corporal (E-3).

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 your contentions that: (a) the record is not in error; you just made a dumb mistake, (b) you have been on the road to redemption ever since you made the mistake while serving in the Marine Corps, (c) you recognize the gravity of your past actions and have worked tirelessly to atone for them through service, integrity, and personal growth, and (d) your deep respect for the Marine Corps remains unwavering, and you continue to strive to be a person of honor and character. 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.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. The Board did not believe that your record was otherwise so meritorious as to deserve a discharge upgrade. The Board concluded that significant negative aspects of your conduct and/or performance greatly outweighed any positive aspects of your military record, especially for someone serving as a senior staff non-commissioned officer. The Board determined that illegal drug use is contrary to Marine Corps core values and policy, renders such service members unfit for duty, and poses an unnecessary risk to the safety of their fellow Marines. The Board also noted that, although one's service is generally characterized at the time of discharge based on performance and conduct throughout the entire enlistment, the conduct or performance of duty reflected by only a single incident of misconduct may provide the underlying basis for discharge characterization. The Board determined that characterization under OTH conditions is generally warranted for misconduct and is appropriate when the basis for separation is the commission of an act or acts constituting a significant departure from the conduct expected of a Marine. The Board determined that the record clearly reflected your misconduct was intentional and willful and indicated you were unfit for further service. Moreover, the Board noted that the evidence of record did not demonstrate that you were not mentally responsible for your conduct or that you should not otherwise be held accountable for your actions.

As a result, the Board determined that there was no impropriety or inequity in your discharge, and the Board concluded that your drug-related 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 on your acceptance of responsibility, 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. 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,

8/18/2025

