



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

Docket No. 3722-25
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 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 21 July 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).

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You enlisted in the Marine Corps after receiving a waiver for pre-service marijuana use and civilian offenses including theft and underage drinking, and commenced active duty on 29 March 1994. On 16 December 1994, you commenced your transfer to [REDACTED]. On 3 January 1995, you reported to [REDACTED] at [REDACTED]. On 20 January 1995, you were subject to urinalysis testing that resulted in a positive result for marijuana use. On 10 February 1995, you received non-judicial punishment (NJP) for unauthorized absence (UA) and wrongful use of marijuana. Consequently, you were notified of pending administrative separation processing with an Under Other Than Honorable conditions (OTH) discharge by reason of misconduct due to drug abuse. On 6 March 1995, you received

NJP for UA. You consulted with legal counsel and subsequently waived your rights to submit a statement or have your case heard by an administrative discharge board. On 16 March 1995, you received NJP for UA and three specifications of orders violations for underage drinking, improper shaving, and wearing two earrings. The separation authority subsequently directed your discharge with an OTH characterization of service and you were so discharged on 3 April 1995.

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 to change your discharge characterization of service and your contentions that you suffered from post-traumatic stress disorder (PTSD) caused by ridicule and belittling by your Sergeant Major and other Marines while you were stationed at ■■■■■, you self-medicated to cope with your condition, you have struggled with addiction post-discharge, and you are now in recovery. You also checked the “PTSD” box on your application but chose not to respond to the 11 April 2025 letter from the Board requesting evidence in support of your claim. For purposes of clemency and equity consideration, the Board considered the totality of your application; which included your DD Form 149, your statement, the advocacy letter, and the list of medications you provided.

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, 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 also considered the likely negative impact your repeated misconduct had on the good order and discipline of your command. In particular, the Board observed you continued to commit misconduct even while you were pending separation. The Board found that your conduct showed a complete disregard for military authority and regulations.

Finally, the Board noted you provided no evidence, other than your statement and your wife’s statement, to substantiate your contention of abuse. In reviewing the timeline of your service, the Board observed that you tested positive approximately 17 days after reporting to ■■■■■. In the Board’s opinion, this is inconsistent with your narrative of self-medicating due to a history of abuse from your chain of command and other Marines and your wife’s letter that you turned to drug abuse after you were the subject of “repeated harassing and demeaning primarily in front of numerous witnesses.” Rather, the Board noted you entered the Marine Corps with an extensive history of misconduct that included marijuana use and concluded, more likely than not, your behavior continued once you reported to your final 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. While the Board carefully considered the evidence you submitted in mitigation, 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,

8/6/2025

