



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

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Docket No. 3790-25
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. 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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 8 September 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, 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).

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issue(s) 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 and began a period of active duty on 31 June 1981. On 15 December 1983, you received nonjudicial punishment (NJP) for operating a vehicle under the influence of alcohol and underage possession of alcohol. Consequently, you were counseled concerning driving under the influence (DUI) and advised that failure to take corrective action could result in administrative separation. On 8 May 1984, you were convicted by special court martial (SPCM) for wrongful possession and distribution of a controlled substance-marijuana. You were sentenced to a Bad Conduct Discharge (BCD), reduction in rank, a period of confinement, and forfeiture of pay. After completion of levels of legal review, you were so discharged on 25 April 1986.

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 contentions that: (a) you were a victim of a set up by someone who was doing volunteer work for NIS, (b) you expressed remorse for the actions that led to your SPCM, (c) prior to your SPCM, you were an above average Marine and very good at your MOS, (d) you had no prior disciplinary infractions and received awards during a previous military exercise, (e) post discharge, you remain involved in several USMC social events, (f) you have always upheld the skills and leadership abilities, and have been a productive member of society, (g) you have been gainfully employed the majority of your life, (h) you served in church boards and committees, led young groups, and performed live music for several churches, and (i) you served as an assistant scout master for your son and daughter's scout groups. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted of your DD Form 149 and personal statement without any additional documentation.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your NJP and SPCM, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact it included drug offenses. The Board determined that illegal drug use and distribution 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. Further, the Board found that your conduct showed a complete disregard for military authority and regulations. The Board observed you were given an opportunity to correct your conduct deficiencies but chose to continue to commit misconduct; which led to your BCD. 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. Finally, the Board was not persuaded by your argument that you were a victim based on entrapment. In reviewing your statement, the Board found sufficient evidence to support your SPCM conviction based on your admission that you voluntarily obtained marijuana in order to sell it to an NCIS operative.

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. 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. 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 the 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,

9/17/2025

