



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

██████████
Docket No. 3845-25
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 14 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).

You enlisted in the Marine Corps and commenced active duty on 13 March 1973. On 17 July 1973, you received non-judicial punishment (NJP) for violation of a lawful order by being unshaven for inspection. On 10 October 1973, you received a second NJP for two specifications of failure to obey an order issued by your superior non-commissioned officer to get out of your rack. On 18 December 1973, you were delivered to civilian authorities in ██████████, on the charge of distributing a LSD. On 26 December 1973, you were charged in civilian court with possession with intent to distribute LSD and conspiracy to distribute marijuana. You were alleged to have sold an unspecified amount of LSD to undercover law enforcement. As a result, you were detained at ██████████ in lieu of a \$5000.00 bond.

On 4 January 1974, you wrote a letter to your commanding officer (CO) asking for legal assistance and admitting to the seriousness of your charges. You stated that you would do anything to remain a Marine. The Judge Advocate officer responsible for your command replied to your letter informing you there were no options for military representation or assistance for

military members facing civilian charges. On 29 January 1974, you pleaded guilty to, and were convicted of, possession of LSD. Imposition of your sentence was suspended by the judge until 18 April 1977.

On 24 May 1974, you were notified of intended administrative separation processing. You elected all rights available to you in the separation process; including your right to appear before an Administrative Discharge Board (ADB). Shortly thereafter, on 28 May 1974, an incident report in your Official Military Personnel File (OMPF) indicates you appeared at ██████████ where you pleaded guilty to, and were convicted of, driving while intoxicated (DWI), driving with expired tags, and driving with no tail lights. You were sentenced to fines and required to complete the ██████████ Alcohol Safety Program.

On 24 July 1974, your ADB convened, found you committed misconduct but recommended your retention. The ADB found you were likely a victim of entrapment by law enforcement and, based on favorable testimony on your behalf at the ADB, as well as stipulations from your coworkers and chain of command, recommended you should be given another opportunity.

On 20 August 1974, the Chair of the ADB issued a memorandum restating the recommendation of the ADB that you be retained, given an opportunity to prove your worth, and be assigned to duty where you could receive proper supervision. On 28 August 1974, the Staff Judge Advocate (SJA) reviewed your separation proceedings and found them to be sufficient in law and fact. He also stated, "although the judge in the civil court which convicted the respondent has seen fit not to award any sentence and to suspend the imposition of any sentence until 18 April 1977, in order to afford the respondent an opportunity to demonstrate whether he can stay out of trouble for an extended period of time, I do not feel that the Marine Corps constitutes the appropriate jurisdiction for supervising the Respondent's probation and such jurisdiction should remain with the court which placed him on probation." I thus disagree with the recommendation of the ADB and recommend discharge."

On 13 September 1974, in accordance with the SJA recommendation, you were discharged with a General (Under Honorable Conditions) characterization of service.

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 your CO said you served honorably and that you had no problems with the Marine Corps. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted solely of your DD Form 149 without any other 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 NJPs and civilian conviction, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact it involved drug offenses. The Board determined that illegal drug involvement 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

