



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

[REDACTED]
Docket No. 3934-25
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF FORMER [REDACTED]
XXX XX [REDACTED] USMC

Ref: (a) 10 U.S.C. § 1552
(b) USECDEF Memo of 25 July 2018 (Wilkie Memo)

Encl: (1) DD Form 149 with attachments
(2) Case summary

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his naval record be corrected to upgrade his characterization of service and to make other conforming changes to his Certificate of Release or Discharge from Active Duty (DD Form 214).

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 18 July 2025 and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, and applicable statutes, regulations, and policies, to include reference (b).

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although enclosure (1) was not filed in a timely manner, it is in the interests of justice to review the application on its merits.

c. The Petitioner enlisted in the U.S. Marine Corps and began a period of active service on 27 March 1985. On 11 February 1985, Petitioner signed and acknowledged the "Marine Corps Policy Concerning Illegal Use of Drugs." Petitioner's pre-enlistment physical examination, on 12 February 1985, and self-reported medical history both noted no psychiatric or neurologic conditions, history, or symptoms. Petitioner disclosed extensive pre-service marijuana usage (approximately fifty (50) times) but did not disclose any other drug or alcohol abuse on his self-reported medical history.

d. In August 1985, Petitioner's command issued him a "Page 11" retention warning (Page 11) documenting his counseling for his lack of performance and motivation, and failure to meet minimum acceptable standards required of a basic infantryman. The Page 11 advised Petitioner that a failure to take corrective action may result in administrative separation or judicial proceedings.

e. Petitioner's drug dependency screening, on 5 August 1985, revealed extensive polysubstance pre-service drug and alcohol abuse. The screening noted Petitioner's pre-service history of: (a) taking his first drink at age 11 and beginning to drink regularly at age 14, (b) a current alcohol tolerance being 1.5 cases of beer (36 cans) in a 24-hour period, (c) smoking 2-3 marijuana cigarettes ("joints") daily to get high (1980-present), (d) using two grams of cocaine weekly to get high (1984-present), and (e) spending \$400/month for drugs. The evaluator diagnosed Petitioner with alcohol abuse and drug dependence and recommended Level III inpatient rehabilitation treatment. However, on 7 August 1985 Petitioner refused drug/alcohol treatment.

f. On 13 August 1985, Petitioner underwent a psychiatric evaluation. The Navy Medical Officer (MO) diagnosed Petitioner with "polysubstance Abuse EPTE (existed prior to entry); anti-social personality disorder EPTE." The MO recommended Petitioner's administrative separation due to his refusal to accept alcohol and drug treatment as previously recommended.

g. On 21 August 1985, Petitioner received non-judicial punishment (NJP) for sleeping on post. Petitioner did not appeal his NJP. On the same day, Petitioner's command issued him a Page 11 documenting his NJP. The Page 11 advised Petitioner that a failure to take corrective action, as evidenced by further UCMJ violations, may result in processing for an administrative separation.

h. On 23 August 1985 certain members of the Petitioner's chain of command provided input on the Petitioner's performance. The commanding officer (CO) of Company B stated, in part:

From the day of his arrival, he presented himself as an immature Marine with a drug problem. He received counseling on several occasions but did not respond to any attempts to help him. He will not make any attempt at self-improvement and has refused treatment for his drug dependency.

[Petitioner's] unmotivated and lackadaisical attitude resulted in his referral to a psychiatrist who strongly recommended he be discharged. He is vocal in his desire to be discharged. In fact, it seems to be his sole purpose in life at this time. He has failed the training course, has received NJP, and is of no use to the Marine Corps with his present attitude. It is at the point where he is a hindrance to training and a bad example to the other Marines in the Company. It is in the best interest of the Marine Corps to administratively discharge the individual.

i. On 5 September 1985, Petitioner's command initiated administrative separation proceedings by reason of misconduct due to drug abuse - rehabilitation treatment refusal. Petitioner waived in writing his rights to consult with counsel, submit written statements, and to

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obtain copies of the separation documents. Petitioner understood that he was being recommended for an uncharacterized entry level separation (ELS) and would not receive a discharge certificate given that he had completed less than 180 days on active duty.

j. On 5 September 1985, Petitioner's CO recommended Petitioner receive an ELS discharge characterization. On 11 September 1985, the Staff Judge Advocate to the Separation Authority (SA) determined Petitioner's separation proceedings were legally and factually sufficient. On 16 September 1985, the SA approved and directed Petitioner's separation from the Marine Corps with an uncharacterized ELS.

k. However, on 18 September 1985, Petitioner was discharged from the Marine Corps instead with an under Other Than Honorable conditions (OTH) discharge characterization.

l. In short, Petitioner contended, in part, that he needs to have his discharge upgraded because his health is failing and he needs better medical care. Petitioner argued that he should be able to access Department of Veterans Affairs health care because he was a Marine who was poisoned by toxic water at Camp Lejeune, is now disabled, and his Medicaid doctors are slowly killing him. He also checked the "PTSD" and "Other Mental Health" boxes on his application but chose not to respond to the Board's request for supporting evidence of his claims. For purposes of clemency and equity consideration, Petitioner provided his DD Form 149 without any other additional documentation.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concluded that Petitioner's request warrants partial relief. Specifically, as discussed above, Petitioner was erroneously assigned an OTH characterization of service instead of an uncharacterized ELS. Thus, the Board concluded that Petitioner's DD Form 214 must be changed to reflect his correct discharge characterization.

Notwithstanding the recommended corrective action below, the Board determined no additional relief was warranted. The Board initially determined that Petitioner's administrative separation for refusing rehabilitation treatment was legally and factually sufficient, and in accordance with all Department of the Navy directives and policy at the time of his discharge. The Board did not believe that Petitioner's record was otherwise so meritorious as to deserve a discharge upgrade. The Board concluded that significant negative aspects of Petitioner's conduct and/or performance greatly outweighed any positive aspects of his brief military record. The Board also determined that the evidence of record did not demonstrate that Petitioner was not mentally responsible for his conduct or that he should not be held accountable for his actions. As a result, the Board determined that there was no impropriety or inequity in Petitioner's separation and concluded that Petitioner's conduct and behavior clearly merited his discharge.

Additionally, the Board noted that separations initiated within the first 180 days of continuous active duty will be described as ELS except in certain limited cases involving unusual circumstances not applicable in Petitioner's case. Moreover, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating veterans' benefits or enhancing educational or employment opportunities.

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While the Board carefully considered the evidence Petitioner 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 Petitioner the specific relief he requested or granting the requested relief as a matter of clemency or equity.

Regarding Petitioner's contention he suffered from the effects of tainted water while stationed at Camp Lejeune, the Board noted that if he experienced any health-related issues due to contaminated Camp Lejeune water, that as long as Petitioner did not receive a dishonorable discharge and meets certain qualifying criteria, he is potentially eligible to receive certain Department of Veterans Affairs (VA) benefits related to tainted water at Camp Lejeune.¹

The Board also recommends Petitioner contact his local VA office to determine his potential eligibility for certain VA services and benefits given the change in his discharge characterization from OTH to ELS.

RECOMMENDATION:

In view of the foregoing, the Board finds the existence of material errors warranting the following corrective action.

That Petitioner's be issued a new DD Form 214, for the period ending 18 September 1985, indicating he was discharged with an "Uncharacterized (Entry Level Separation)."

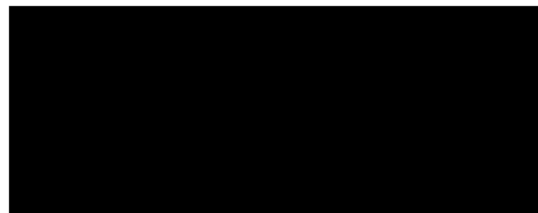
That all other information on the DD Form 214 remain the same.

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 Regulations, 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.

7/24/2025



¹ <https://www.va.gov/disability/eligibility/hazardous-materials-exposure/camp-lejeune-water-contamination/>