



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

█
Docket No. 6506-25

Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER █
█ XXX XX █ 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), Petitioner filed enclosure (1) with the Board for Corrections of Naval Records (Board), requesting that his naval record be corrected to upgrade his characterization of service and change his reason for separation, separation code, and reentry code.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 1 August 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 6 July 1994. As part of his enlistment application, on 12 July 1993, Petitioner signed and acknowledged the "Statement of Understanding – Marine Corps Policy Concerning Illegal Use of Drugs." Petitioner's pre-enlistment physical examination, on 13 July 1993, and self-reported medical history both noted no psychiatric or neurologic conditions or symptoms.

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d. On 17 August 1998 Petitioner received non-judicial punishment (NJP) for the wrongful use of a controlled substance (Lysergic Acid Diethylamide (“LSD”)). Petitioner did not appeal his NJP.

e. Following his NJP, Petitioner’s command notified him of administrative separation proceedings by reason of misconduct due to drug abuse. Subsequently, an administrative separation board convened and recommended Petitioner’s separation due to his drug abuse.

f. On 14 June 1999, the Separation Authority approved and directed Petitioner’s discharge for misconduct with an under Other Than Honorable conditions (OTH) discharge characterization. Ultimately, on 23 June 1999, the Petitioner was discharged from the Marine Corps for misconduct with an OTH characterization of service and was assigned an “RE-4B” reentry code.

g. Petitioner requested clemency in the form of a discharge upgrade and to make certain additional conforming changes to his DD Form 214. In short, Petitioner argued that his case was an unfortunate result of a single, isolated lapse in judgment during one of the most turbulent and stressful moments of his entire life. Petitioner contended that he was precisely the type of veteran that was considered when the Wilkie Memo was drafted. Petitioner further contended that a sufficient number of the listed factors in the Wilkie Memo are established in the affirmative and should lead to his receiving clemency from this Board. Petitioner proffered, *inter alia*, a personal statement, his counsel’s brief with multiple exhibits, and advocacy letters as evidence of his good character, post-service achievements and accomplishments.

CONCLUSION:

Upon review consideration of all the evidence of record, the Board concluded that Petitioner’s request warrants partial relief.

The Board initially determined that Petitioner’s administrative separation for misconduct 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 determined the record reflected that Petitioner’s misconduct was intentional and willful and demonstrated he was unfit for further service. 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.

However, in keeping with the letter and spirit of the Wilkie Memo, and although the Board does not condone the Petitioner’s drug-related misconduct, the Board noted that flawless service was not required for discharge upgrade consideration. Accordingly, while not necessarily excusing or endorsing the Petitioner’s misconduct, the Board concluded that no useful purpose is served by continuing to characterize the Petitioner’s service as having been under OTH conditions, and that a discharge upgrade to “General (Under Honorable Conditions)” (GEN), strictly on clemency and leniency grounds, is appropriate at this time. In granting his discharge upgrade, the Board cited his notable post-service conduct, career accomplishments, and community service.

Notwithstanding the recommended corrective action below, the Board was not willing to grant

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an Honorable discharge characterization. The Board determined that an Honorable discharge was appropriate only if the Marine's service was otherwise so meritorious that any other characterization of service would be clearly inappropriate. The Board concluded by opining that significant negative aspects of the Petitioner's conduct and/or performance outweighed the positive aspects of his military record, and that a GEN discharge characterization and no higher was appropriate. Additionally, in light of the Wilkie Memo, the Board still similarly concluded after reviewing the record holistically, and given the totality of the circumstances and purely as a matter of clemency and leniency, that the Petitioner only merits a GEN characterization of service and no higher.

Additionally, the Board did not find a material error or injustice with the Petitioner's original narrative reason for separation, separation authority, separation code, and corresponding "RE-4B" reentry code. The Board concluded the Petitioner was assigned the correct narrative reason for separation, separation authority, separation code, and reentry code, based on the totality of his circumstances, and that such DD Form 214 notations were proper and in compliance with Department of the Navy directives and policy at the time of his discharge. Ultimately, the Board found that any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

RECOMMENDATION:

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214), for the period ending 23 June 1999, indicating he was discharged with a "General (Under Honorable Conditions)" characterization of service.

That no other changes to Petitioner's record is warranted.

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.

8/6/2025

[REDACTED]

Executive Director

Signed by: [REDACTED]