



3. On 23 June 1988, you were issued a Page 11 counseling concerning your failure of a barracks room field day inspection.
4. On 21 June 1989, you received non-judicial (NJP) for failure to obey a lawful order and assaulting your spouse.
5. On 18 July 1989, you received your second NJP for unauthorized absence (UA) and failure to obey a lawful order.
6. On 8 December 1989, you received your third NJP for disrespect toward a superior noncommissioned officer, making threats to military police, and drunk and disorderly conduct.
7. On 11 January 1990, you were found guilty by a special court-martial (SPCM) of two specifications of wrongfully distributing lysergic acid diethylamide (LSD) to other Marines and wrongful possession of two units of LSD. As punishment, you were sentenced to confinement, forfeiture of pay, and a Bad Conduct Discharge (BCD).
8. On 14 August 1990, the Naval Clemency and Parole Board denied your request for clemency and restoration. On 22 August 1990, the U.S. Navy-Marine Corps Court of Military Review affirmed the SPCM findings and sentence. Ultimately, upon the completion of appellate review in your case, you were so discharged from the Marine Corps on 12 December 1990.

The Board initially concluded you were discharged with a BCD based on your record of misconduct and SPCM conviction. While the Board carefully considered your contention for mitigation, the Board noted you did not deny committing the misconduct. Therefore, the Board determined the presumption of regularity applies to the finding that you committed the misconduct that formed the basis of your BCD.

Because you raised the issue of mental health, the Board requested an AO. As part of the Board's review, a qualified mental health professional reviewed your contentions and the available records and provided the Board with an AO on 20 November 2025. The AO stated in pertinent part:

There is no evidence of a mental health condition that existed during his military service. He submitted evidence of diagnoses of Major Depressive Disorder, Severe, In Full Remission, and Substance Use Disorder, Severe, in Full Remission that are temporally remote to service. Assault, threatening military police and distributing LSD are not typical behaviors that are caused by a mental health condition. His personal statement is not sufficiently detailed to provide a nexus between a mental health condition and his in-service misconduct. Additional records (e.g., post-service mental health records describing the Petitioner's diagnosis, symptoms, and their specific link to his misconduct) may aid in rendering an alternate opinion.

The AO concluded, "it is my considered clinical opinion that there is sufficient evidence of Major Depressive Disorder and Substance Use Disorder (both in remission) that are temporally

remote to service. There is insufficient evidence to attribute his misconduct to any primary mental health condition.”

The Board applied liberal consideration to your claim that you suffered from a mental health condition, and to the effect that this condition may have had upon the conduct for which you were discharged in accordance with the Kurta Memo. Applying such liberal consideration, the Board found insufficient evidence of a diagnosis of mental health condition that may be attributed to military service. This conclusion is supported by the AO and the fact your medical evidence is temporally remote to your service. Additionally, even applying liberal consideration, the Board found insufficient evidence to conclude that the misconduct for which you were discharged was excused or mitigated by your mental health condition. In this regard, the Board simply had insufficient information available upon which to make such a conclusion and recognized the same concerns raised in the AO. Moreover, even if the Board assumed that your misconduct was somehow attributable to any mental health conditions, the Board unequivocally concluded that the severity of your serious misconduct more than outweighed the potential mitigation offered by any mental health conditions.

In addition to applying liberal consideration to your claimed mental health condition and its potential effect upon your conduct in accordance with the Kurta Memo, the Board also considered the totality of the circumstances to determine whether equitable relief is warranted in the interests of justice in accordance with the Wilkie Memo. In this regard, the Board considered, amongst other factors, your contentions, the totality of your service, your relative youth and immaturity at the time of your misconduct, the negative effect your discharge has had on your life, your rehabilitation efforts, your post-service record of accomplishments, your candor and remorse, your service to your community, your mental health issues, the harshness of your punishment, the character references you provided for review, and the passage of time since your discharge.

The Board found that the mitigating factors were not nearly sufficient to justify any equitable relief. Specifically, the Board found that the severity of your misconduct far outweighed all of the mitigating factors combined. In particular, the Board determined that illegal drug distribution and possession 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 multiple opportunities 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. Additionally, the Board was not persuaded by your arguments of spousal abuse and noted the record shows, early in your career, you were punished for assaulting your spouse. Finally, the Board believed that it would be unjust to characterize your less than honorable service in the same manner as the service of the thousands of service members who, unlike you, honorably completed their enlistments without engaging in misconduct warranting the early curtailment of their service. Therefore, the Board did not find an upgrade of your discharge to General (Under Honorable Conditions) or Honorable to be warranted in the interests of justice. Based on the same rationale, the Board determined your reason for separation also remains appropriate. 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,

2/22/2026

