



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

[REDACTED]
Docket No. 6800-25
Ref: Signature date

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

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

Ref: (a) 10 U.S.C. § 1552
(b) SECDEF Memo, "Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Requests by Veterans Claiming Post Traumatic Stress Disorder," 3 September 2014
(c) PDUSD (P&R) Memo, "Consideration of Discharge Upgrade Requests Pursuant to Supplemental Guidance to Military Boards for Correction of Military/Naval Records (BCMRs/BCNR) by Veterans Claiming Post Traumatic Stress Disorder (PTSD) or Traumatic Brain Injury (TBI)," 24 February 2016
(d) USD (P&R) Memo, "Clarifying Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Considering Requests by Veterans for Modification of their Discharge Due to Mental Health Conditions, Sexual Assault, or Sexual Harassment," 25 August 2017
(e) USD (P&R) Memo, "Guidance to Military Discharge Review Boards and Boards for Correction of Military / Naval Records Regarding Equity, Injustice, or Clemency Determinations," 25 July 2018
(f) MCO P1900.16E, Marine Corps Separation and Retirement Manual (Short Title: MARCORSEPMAN), 18 August 1995
(g) SECNAVINST 5420.193, Board for Correction of Naval Records, 19 November 1997

Encl: (1) DD Form 149, signed 18 June 2025 (with attachments)
(2) DD Form 1966, Record of Military Processing – Armed Forces of the United States, 12 September 1994
(3) DD Form 398-2, Department of Defense National Agency Questionnaire, 12 September 1994
(4) DD Form 214
(5) [REDACTED], 8 July 1996
(6) NAVMC 118(11), Administrative Counseling (1070), 17 July 1996
(7) Petitioner's Memo 5000 S3AM, subj: Statement of Drug Use, 29 July 1996
(8) NAVMC 118(12), Offenses and Punishments (1070)
(9) [REDACTED] Ser: 97006, subj: Notification of Separation Proceedings, 21 November 1996
(10) [REDACTED] Ser: 97006, subj: Acknowledgment of my Rights to be Exercised or Waived during Separation Proceedings, 21 November 1996
(11) [REDACTED] Ser: 97006, subj: Administrative Separation of [Petitioner], 2 December 1996

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- (12) [REDACTED] Memo 1910 SJA/12, Second
Endorsement on Enclosure (11), subj: Administrative Separation of [Petitioner],
18 December 1996
(13) MCTFS Record of Service, 18 November 1996

1. Pursuant to the provisions of reference (a), the Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records, hereinafter referred to as the Board, requesting that his characterization of service be upgraded to "Honorable" and that his narrative reason for separation be changed to "Secretarial Authority."

2. A three-member panel of the Board convened in executive session to review Petitioner's allegations of error or injustice pursuant to its governing policies and procedures on 23 January 2025, and by a majority vote determined that the corrective action recommended in paragraph 6a below should be taken upon Petitioner's naval record in the interests of justice. Documentary material considered by the Board included the enclosures; relevant portions of Petitioner's naval record; and applicable statutes, regulations, and policies, to include references (b) – (e).

3. Factual Background. Following are the relevant facts of Petitioner's case based upon review of his naval record and/or the matters provided with his application:

a. On 14 September 1994, Petitioner was granted an enlistment waiver based upon his disclosure of pre-service drug abuse.¹ See enclosure (2).

b. Petitioner enlisted in the Marine Corps pursuant to the waiver referenced in paragraph 3a above and commenced a period of active duty service on 31 October 1994. See enclosure (4).

c. On 1 July 1996, Petitioner reported to his non-commissioned officer (NCO) supervisor that he had a drug problem. Specifically, he reportedly informed his supervisor that he had been using drugs during the weekend prior to this report. See enclosure (5).

d. On 17 July 1996, Petitioner was formally counseled in writing regarding his illegal drug use and was informed that he was being processed for administrative separation. See enclosure (6).

e. On 17 July 1996, Petitioner was administratively counseled regarding his reported drug use and advised that he was being processed for administrative separation. See enclosure (6).

f. By memorandum dated 29 July 1996, Petitioner admitted to marijuana use on or about 28 June 1996 at a party in [REDACTED]. Specifically, he admitted to marijuana use twice on the day in question and stated that the purpose of the act "was for a sense of freedom." See enclosure (7).

g. Petitioner was absent from his unit without authority from 2 October 1996 until he surrendered himself on 31 October 1996. See enclosure (8).

¹ Petitioner reported experimental pre-service marijuana use on his National Agency Questionnaire. See enclosure (3).

h. On 7 November 1996, Petitioner received non-judicial punishment (NJP) for the unauthorized absence (UA) referenced in paragraph 3g above in violation of Article 86, Uniform Code of Military Justice (UCMJ); and for the use of marijuana during the week of 26 August 1996 in violation of Article 112a, UCMJ. His punishment consisted of 45 days of extra duty and restriction; the forfeiture of \$490 pay per month for two months; and reduction to Private First Class/E-2. See enclosure (8).

i. By memorandum dated 21 November 1996, Petitioner was formally notified via the administrative board procedures that he was being processed for administrative separation from the Marine Corps for misconduct due to drug abuse. See enclosure (9).

j. By memorandum also dated 21 November 1996, Petitioner acknowledged the notification referenced in paragraph 3i above and waived all of his rights with regard to the administrative separation process, to include his right to an administrative discharge board hearing. See enclosure (10).

k. By memorandum dated 2 December 1996, Petitioner's squadron commander recommended that Petitioner be discharged from the Marine Corps under other than honorable (OTH) conditions for misconduct due to drug abuse. See enclosure (11).

l. By memorandum dated 18 December 1996, the separation authority directed that Petitioner be discharged from the Marine Corps under OTH conditions for misconduct due to drug abuse. See enclosure (12).

m. On 30 December 1996, Petitioner was discharged from the Marine Corps under OTH conditions for misconduct due to drug abuse. See enclosure (4). His average proficiency and conduct marks upon his discharge were 4.5 and 4.4 respectively. See enclosure (13).

4. Petitioner's Application. Petitioner submitted an application to the Board in June 2025 requesting the corrective action discussed in paragraph 1 above with the assistance of counsel.² Specifically, Petitioner's counsel asserted that his chain of command "committed a material error of discretion when it failed to consider the extenuating circumstances that led to the drug use," namely that his friend and mentor died violently by suicide while on base and that this loss led to a steep decline in Petitioner's mental health.³ His counsel further contended that Petitioner's discharge characterization represents a material injustice, citing the guidance of reference (e). Petitioner's application was supported by a personal statement in which he described the circumstances of his misconduct and his post-service activities⁴ and described the shame he has felt for the circumstances of his discharge, and several character references. See enclosure (1).

² Petitioner signed his DD Form 149 on 18 June 2025, and it was received by the Board on 25 June 2025.

³ According to Petitioner's personal statement, his friend and mentor "killed himself in a gruesome nasty way on base" at [REDACTED], and he "really never pulled out of [his] emotional state of mind" after transferring to [REDACTED]. He stated his personal belief that he had "undiagnosed [post-traumatic stress disorder (PTSD)]" at the time, but provided no clinical evidence to support such a diagnosis and did not indicate on his DD Form 149 that PTSD was related to his request.

⁴ Without stating so directly, Petitioner implied that he may not have actually used drugs by noting that he never tested positive for the use of marijuana and asserting that he was looking for a way out of the Marine Corps after the death of his friend/mentor.

5. Conclusions.⁵

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

b. The Board found no error in Petitioner's discharge from the Marine Corps under OTH conditions for misconduct due to drug abuse when it was administered. In accordance with paragraph 6210.5a of reference (f), "[c]ommanders shall process Marines for administrative separation for illegal, wrongful, or improper use ... of ... marijuana." Paragraph 6210.5b of reference (f) confirmed that "[a]ll Marines, regardless of pay grade, confirmed as having used or possessed illegal drugs will be processed for administrative separation for misconduct, by reason of drug abuse ... on the first offense," and paragraph 6210.5c provided that "[s]elf-referral for drug abuse constitutes confirmation of illegal drug abuse and requires a Marine to be processed for administrative separation." Petitioner self-reported illegal drug use to his NCO supervisor on 1 July 1996, and later provided a formal statement admitting to marijuana use with details of his use. Accordingly, Petitioner's illegal drug use was confirmed and there was no discretion for his command in the initiation of separation proceedings. It appears that all procedural requirements were satisfied to sustain Petitioner's discharge upon this basis as well, as the administrative board procedures were utilized and Petitioner voluntarily waived all of his rights in the administrative discharge process before any action was taken to separate him. In this regard, Petitioner's command cannot credibly be accused of committing "a material error of discretion" in failing to consider the extenuating circumstances when Petitioner waived his opportunity to make the command aware of those circumstances of which they were unlikely to be otherwise aware. Finally, there was no error in the OTH characterization assigned to Petitioner's discharge for misconduct due to drug abuse. In accordance with paragraph 6210.1 of reference (f), the characterization of service normally assigned to discharges based upon misconduct was OTH. Again, Petitioner did not provide his command any reason to assign anything other than the default characterization normally assigned to misconduct-based discharges, so there was no merit in Petitioner's claim that his discharge under OTH conditions represented a material error.

c. Because Petitioner based his request for relief in whole or in part upon his claimed mental health condition, which he believed to be "undiagnosed PTSD," the Board reviewed his application in accordance with the guidance of references (b) – (d). Accordingly, the Board applied liberal consideration to Petitioner's claimed mental health condition and the effect that it may have had upon his conduct. Even applying liberal consideration, however, the Board found insufficient evidence to conclude that Petitioner suffered from any mental health condition during his service in the Marine Corps, much less that such a condition excused or mitigated the misconduct for which he was discharged. Petitioner provided the Board with no clinical evidence to support his claim that he suffered from a mental health condition during his service. While the Board acknowledges that the member's statement alone may establish the existence of a condition, Petitioner simply failed to provide the Board with sufficient details of the purported traumatic event in question or of any symptoms upon which the Board could reasonably draw any conclusions. Additionally, the contemporaneous evidence in the record suggests that Petitioner's drug use was not the result of any trauma-induced mental health condition, as his drug use predated the military service during which the reported traumatic event occurred and

⁵ Except as described in paragraph 5d below, the Board's conclusions were unanimous.

Petitioner explained at the time that he used marijuana at a party “for a sense of freedom.” These are not the circumstances of drug use intended to self-medicate for an undiagnosed mental health condition.

d. In addition to applying liberal consideration to Petitioner’s claimed mental health condition and its potential effect upon the conduct for which he was discharged in accordance with references (b) – (d), the Board also considered the totality of the circumstances to determine whether equitable relief may be warranted in the interests of justice in accordance with reference (e). In this regard, the Board considered, amongst other factors, the entirety of Petitioner’s service in the Marine Corps, which included receipt of two Meritorious Masts and relatively favorable proficiency and conduct ratings; the decrease in the perceived severity of marijuana use in the military since Petitioner’s discharge; the relatively minor and non-violent nature of Petitioner’s misconduct; Petitioner’s contentions regarding the impact that the suicide of a friend and mentor had upon him, and his resulting lack of motivation to continue serving in the Marine Corps; that the case against Petitioner was based upon his own statements and not the result of positive urinalyses; Petitioner’s reportedly favorable post-service conduct and accomplishments, which demonstrate considerable rehabilitation; the favorable character references provided for review; Petitioner’s expression of shame for the circumstances of his discharge; Petitioner’s relative youth and immaturity at the time of his misconduct; and the passage of time since Petitioner’s discharge. Unfortunately, the Board was unable to reach a consensus regarding whether these mitigating factors were sufficient to justify equitable relief in the interests of justice.

(1) *Majority Conclusions.*

(a) The Majority of the Board found the mitigating factors to sufficiently outweigh the severity of Petitioner’s misconduct to justify some modest equitable relief. In particular, the Majority found that Petitioner’s misconduct was relatively minor, consisting only of a couple of instances of marijuana use that came to the command’s attention only through his unsolicited admission. Given these circumstances, the Majority found it unlikely that Petitioner would be discharged under OTH conditions for similar conduct today. As such, the Majority believed that no purpose is served by continuing to unnecessarily stigmatize Petitioner with an OTH discharge characterization for service which was mostly honorable. Accordingly, the Majority determined that Petitioner’s discharge characterization should be equitably upgraded to general (under honorable conditions) in the interests of justice.

(b) While finding the mitigating factors to sufficiently outweigh the severity of Petitioner’s misconduct to justify the equitable relief described in paragraph 5d(1) above, the Majority of the Board did not find those factors to so significantly outweigh the severity of his misconduct to justify the extraordinary relief that he requested. In this regard, the Majority noted that the vast majority of Marines complete their enlistments, with all of the adversity that such enlistments entail, without engaging in misconduct conduct sufficient to justify the involuntary termination of their service, much less warranting discharge under OTH conditions. As such, the Majority believed it would be a gross injustice to the vast majority of the Marines who have service honorably to diminish the value of their service by mischaracterizing Petitioner’s less than honorable service as such.

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(2) *Minority Conclusion.* The Minority of the Board found the mitigating factors insufficient to justify any equitable relief. Specifically, the Minority noted that Petitioner's misconduct was not limited to the marijuana use to which he admitted in early July 1996. Rather, Petitioner went UA for an extended period that was just one day short of the period that would result in the declaration that he was a deserter, and received NJP for a second marijuana use in late August 1996. As such, the Minority assigned more weight to the severity of the Petitioner's misconduct and less weight to the overall quality of his service than did the Majority. As a result, the Minority simply did not find the mitigating factors to outweigh the severity of Petitioner's misconduct to justify any equitable relief.

6. Recommendations.

a. *Majority Recommendations.* Based upon its conclusions as discussed in paragraph 5 above, the Majority of the Board recommends that the following corrective action be taken upon Petitioner's naval record in the interests of justice:

(1) That Petitioner be issued a new DD Form 214 reflecting that his service ending on 30 December 1996 was characterized as "General (under honorable conditions)." All other entries reflected on his current DD Form 214, to include his narrative reason for separation, separation authority, and reentry code, are to remain unchanged.

(2) That a copy of this record of proceedings be filed in Petitioner's naval record.

(3) That no further corrective action be taken upon Petitioner's naval record.

b. *Minority Recommendation.* Based upon its conclusions as discussed in paragraph 5 above, the Minority of the Board recommends that no corrective action be taken upon Petitioner's naval record.

7. 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 titled matter.

8. The foregoing action of the Board is submitted for your review and action in accordance with Section 6e(1)(b) of Enclosure (1) to reference (g).

4/14/2026

[REDACTED]

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ASSISTANT GENERAL COUNSEL (MANPOWER AND RESERVE AFFAIRS) DECISION:

- X MAJORITY Recommendation Approved (Partial Relief – I concur with the Majority conclusions and therefore direct the corrective action recommended in paragraph 6a above.)
- ___ MINORITY Recommendation Approved (Deny Relief – I concur with the Minority conclusions and therefore direct that no corrective action be taken upon Petitioner’s naval record.)
- ___ Petitioner’s Request Approved (Full Relief – I generally concur with the Majority conclusion that equitable relief is warranted given the totality of the circumstances, but do not believe that the corrective action recommended by the Majority goes far enough in the interest of justice. Specifically, I found that the mitigating circumstances did so significantly outweigh the severity of Petitioner’s relatively minor misconduct such as to justify the relief that he requested. Accordingly, I direct that Petitioner be issued a new DD Form 214 reflecting that his service ending on 30 December 1996 was characterized as “Honorable”; that the narrative reason for his separation was “Secretarial Authority”; that his separation authority was “MARCORSEPMAN par 6214”; that his separation code was “JFF1”; and that his reentry code was “RE-1J.” All other entries reflected on Petitioner’s current DD Form 214 are to remain unchanged. Petitioner shall also be issued an Honorable Discharge Certificate.)

