



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 2220

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Docket No. 7388-25
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your father's naval record pursuant to Title 10, United States Code, Section 1552. After careful and conscientious consideration of relevant portions of your father's 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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 12 January 2026. 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 father's naval record, 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).

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issue(s) involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

Your father enlisted in the Marine Corps and began a period of active duty on 29 March 1974. On 17 December 1974, he received nonjudicial punishment (NJP) for wrongful possession of a controlled substance-marijuana. On 31 March 1975, he began a period of unauthorized absence (UA) which lasted nine days. On 10 April 1975, he admitted the wrongful use of numerous controlled substances and voluntarily requested to be placed in the Drug Exemption Program¹.

¹ His request for a drug exemption documented the drug abuse conducted from during his active duty service. He admitted to using marijuana daily, amphetamines and barbiturates whenever available, LSD three to four times a week, cocaine twice monthly, mescaline two to four times a week, hashish four times total, and DMT when available.

On 11 April 1975, your father was evaluated by a medical officer as a result of his previous request to be placed in the Drug Rehabilitation Program, diagnosed with Chronic Drug Abuse, and received a drug exemption grant. Between 24 April 1975 and 9 June 1975, he received NJP on three occasions for two instances of UA and breaking restriction. On 13 June 1975, the commanding officer (CO) requested that your father be granted formal drug rehabilitation. However, on 1 July 1975, your father began a period of UA which lasted 117 days. Upon his return to military control, he requested an Other Than Honorable (OTH) discharge characterization of service in lieu of trial by court martial. His CO recommended approval of the request and the separation authority approved the request. On 5 December 1975, your father was so discharged.

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 for your father and contentions that: (a) your father passed away from a presumptive condition related to the drinking water at █ b) your family wants to honor his dedication to our country and his service, (c) your family believes he paid the ultimate sacrifice due to the toxins he was exposed to at Camp Lejeune, and (d) your family would like your father to be eligible for burial services and any future memorials or monuments related to his service. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted of your DD Form 149, a copy of your certificate of birth, your father's DD Form 214, and his certificate of death.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your father's misconduct, as evidenced by his NJPs, extensive drug abuse, and lengthy period of UA that resulted in his discharge, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your father's misconduct and found that his conduct showed a complete disregard for military authority and regulations. The Board observed he was given multiple opportunities to correct his conduct deficiencies but chose to continue to commit misconduct; which led to your father's OTH discharge. Your father's conduct not only showed a pattern of misconduct but was sufficiently pervasive and serious to negatively affect the good order and discipline of his command. The Board also noted that the misconduct that led to your father's request to be discharged in lieu of trial by court-martial was substantial and determined that he already received a large measure of clemency when the convening authority agreed to administratively separate him in lieu of trial by court-martial; thereby sparing your father the stigma of a court-martial conviction and possible punitive discharge. Additionally, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating veterans' benefits, or enhancing educational or employment opportunities.

As a result, the Board determined that there was no impropriety or inequity in your father's discharge and concluded that his misconduct and disregard for good order and discipline clearly merited his discharge. While the Board carefully considered your arguments in mitigation and fully understands your desire to honor your father, 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 the relief you requested or granting relief as a matter of clemency or equity.

Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

Regardless of the Board's decision in this case, it wanted to express its deepest sympathy and condolences to you and your family for your loss.

You are entitled to have the Board reconsider its decision upon the 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,

1/18/2026

