



3. On 7 October 2009, you received your second NJP for the wrongful use of a controlled substance (marijuana).

4. Consequently, you were notified of pending administrative separation proceedings for misconduct due to drug abuse and informed that the least favorable characterization of service you may receive was Under Other Than Honorable (OTH) conditions. You waived your procedural rights to consult with counsel and to request a hearing before an administrative discharge board. The Commanding Officer (CO) forwarded your administrative separation package to the separation authority recommending your administrative discharge from the Marine Corps with an OTH character of service. As part of the CO's recommendation, he stated in pertinent part:

[Petitioner]'s choice to use illegal drugs was a conscious decision that he made despite having been counseled on numerous occasions about the Marine Corps' Policy on drugs. [Petitioner] was not remorseful nor honest and forthright with respect to using marijuana. It is in the best interest of the Marine Corps to administratively separate him from our Corps.

5. The separation authority approved the CO's recommendation and you were discharged for drug abuse with an OTH characterization of service and RE-4B reentry code on 10 November 2009.

After careful review, the Board reached the following conclusions and denied your application for relief.

The Board initially concluded you were appropriately processed for administrative separation based on your record of misconduct. 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 administrative separation and were properly separated for misconduct with an OTH characterization of service and assigned a RE-4B reentry code based on your drug abuse.

The Board also considered the totality of the circumstances to determine whether equitable relief was warranted in the interests of justice in accordance with the Wilkie Memo. In this regard, the Board considered, amongst other factors, the totality of your service, the non-violent nature of your misconduct, 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 remorse, your service to your community, the character reference you provided for review, your desire for further military service, 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 use 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 an opportunity to correct your conduct deficiencies but chose to continue to commit misconduct; which led to your OTH discharge. 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. 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, while the Board commends you for your post-service accomplishments and desire to continue to serve your country in the armed forces, 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 also found that your assigned reentry code remains appropriate.

Accordingly, given the totality of the circumstances, the Board determined 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,

2/17/2026

