



[REDACTED]

[REDACTED]

[REDACTED]

2. On 24 January 2007, you received non-judicial punishment (NJP) for the wrongful use of a controlled substance and waived your right to file an appeal. Additionally, you were issued an administrative remarks (Page 11) counseling concerning your positive urinalysis. You were

advised that you were being processed for administrative separation, and chose not to make a rebuttal statement.

3. On 20 March 2007, you were convicted at Special Court-Martial for two specifications of the wrongful use of marijuana.

4. Consequently, you were notified of pending administrative separation proceedings by reason of misconduct due to a pattern of misconduct that included drug abuse. You were informed that the least favorable characterization of service you may receive is Under Other Than Honorable (OTH) conditions. You elected to consult with counsel, waived your procedural rights to present your case to an administrative discharge board, and elected not to submit a written statement. The separation authority approved your separation with an OTH characterization of service for drug abuse and you were so discharged on 31 May 2007.

5. Post-discharge, you applied to the Naval Discharge Review Board (NDRB) for relief. The NDRB denied your request, on 6 October 2011, after determining your discharge was proper as issued.

In your application to this Board, you express a desire for your discharge character of service be upgraded and your reason for separation and reentry code be changed. You also request that all adverse material be removed from your record, a formal finding that you were denied treatment while in service, recognition of your post-service rehabilitation, and a recommendation to the Department of Veterans Affairs that your character of service should be "Honorable for VA purposes. You contend that:

1. You were denied mandatory substance abuse evaluation under MCO 5300.17.
2. Your rebuttal statement is missing from your record.
3. Multiple urinalysis tests within 16 days reflected a single incident, yet created the false impression of repeated misconduct.
4. You were denied equal treatment and access to rehabilitation options available to other Marines.
5. You have since completed 12+ years of honorable federal law enforcement service with no further misconduct.
6. Although you are currently unable to provide formal medical documentation or diagnosis, you are asserting that you experienced traumatic stressors during active duty service, including exposure to graphic combat imagery during mandatory training exercises, psychological conditioning involving violent repetition and combat preparation (i.e. verbalization of "KILL!" during drills), participation in multiple funeral ceremonies, and prolonged anticipation of a potential combat deployment as a machine gunner during wartime service.

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. The Board noted you did not deny committing the misconduct that formed the basis of your administrative separation and OTH discharge. While you allege due process and procedural errors in your case, the Board was not persuaded by your contentions since you pleaded guilty to your offenses. Therefore, absent substantial evidence to the contrary, the Board determined the presumption of regularity applies to your administrative separation and no error exists with your record.

However, because you raised the issue of mental health, the Board also requested an AO. As part of the Board's review process, a qualified mental health professional reviewed your contentions and the available records and issued an advisory opinion (AO) on 30 December 2025. The AO stated in pertinent part:

There is no evidence that the Petitioner was diagnosed with PTSD or any mental health condition during his military service. He did not submit any medical evidence in support of his claim. He did not cite PTSD or any mental health issues during 2011 NDRB. 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., active-duty medical records, post-service mental health records describing the Petitioner's diagnosis, symptoms, and their specific link to his separation) may aid in rendering an alternate opinion

The AO concluded, "Based on the available evidence, it is my clinical opinion that there is insufficient evidence of a mental health condition or PTSD that existed in service. There is insufficient evidence to attribute his misconduct to PTSD or any other 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 Hagel and Kurta Memos. 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 you provided no medical evidence in support of your claim. While the Board considered your "PTSD Lay Declaration," the Board found it unpersuasive in light of the lack of any medical evidence supporting your claimed mental health condition. 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 involving multiple drug offenses 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 Hagel and Kurta Memos, 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 desire for an upgrade to your characterization of service and the other requested relief, your contentions of inequity and lack of in-service rehabilitation treatment, 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 service to your community, your claimed mental health issues, the evidence you provided in support of your application, 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 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 opportunities to enlist despite your pre-service drug abuse but chose to continue to commit misconduct, which led to your OTH discharge. Once you received NJP for your drug abuse, you continued to commit drug abuse which resulted in your SPCM conviction. 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. Therefore, even taking into consideration all the mitigation factors in your case, the Board found that your misconduct while on active duty and current lack of remorse expressed for your actions outweighed the mitigation evidence offered. Further, the Board was not persuaded by your argument that you deserve relief because your rebuttal is missing from the record or that you were not provided drug rehabilitation treatment. The Board found these mitigation factors, even if true, were insufficient to overcome the multiple drug abuse offenses that continue to support your OTH discharge. 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. While the Board acknowledged your rehabilitation efforts and desire to improve your life, 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 no basis to grant your other requested relief.

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,

3/31/2026

