



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

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Docket No. 8732-25
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. After careful and conscientious consideration of relevant portions of your 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 application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 9 March 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 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.

The following is the relevant factual background of your case based upon review of your naval record and/or the matters provided with your application:

1. You enlisted in the Marine Corps and began a period of active duty on 25 March 2009.
2. On 5 March 2010, you received nonjudicial punishment (NJP) for a period of unauthorized absence (UA) from appointed place of duty. You were counseled concerning your misconduct resulting in NJP and advised that failure to take corrective action could result in administrative separation.

3. On 11 May 2010, you were suspected of abusing marijuana and shoplifting, at which point, your commanding officer referred the allegations for trial by court martial. Subsequently, you agreed to enter a voluntary plea of guilty and waive your right to an administrative discharge board in exchange for changing the forum to a summary court-martial (SCM).

4. On 13 May 2010, you were convicted by SCM for wrongful use of a controlled substance and larceny. You were sentenced to reduction in rank, a period of confinement, and forfeiture of pay.

5. On 21 May 2010, you were notified of the initiation of administrative separation proceedings by reason of misconduct due to drug abuse, at which point, you waived your procedural rights as you previously agreed to do. Your commanding officer recommended and Other Than Honorable (OTH) discharge characterization of service and the separation authority approved the recommendation. On 11 August 2010, you were so discharged and assigned an RE-4B reentry code (RE).

6. Post-discharge, you applied to the Naval Discharge Review Board (NDRB) for relief. By letter dated 30 September 2024, the NDRB approved an upgrade to your characterization of service to “General (Under Honorable Conditions)” (GEN). However, the NDRB determined that your narrative reason for separation and RE code remained appropriate.

In your application to this Board, you express a desire to upgrade your RE code and contend that:

1. A correction of your RE code will allow you to be considered for future military service or, alternatively, eligibility for Department of Veterans Affairs (VA) Benefits.

2. Your current RE code does not accurately reflect your character or potential and was based on circumstances from a period of youth and immaturity.

3. Post-service, you have demonstrated significant personal growth, responsibility, and rehabilitation, and have remained committed to military values.

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 that formed the basis for your administrative separation and OTH discharge. Therefore, notwithstanding the NDRB relief granted based on equity, the Board determined the presumption of regularity applies to your administrative separation and no error exists with your record.

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, your desire for a change to your RE code, your contentions, the totality of your service, your need for veterans’ benefits, 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 candor and remorse, the character reference 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 opportunity to correct your conduct deficiencies but chose to continue to commit misconduct, which led to your OTH discharge and RE-4B reentry code. 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 outweighed the mitigation evidence offered. In making this finding, the Board also considered that you have already received significant clemency from the NDRB to address any injustice or inequity in your record. Finally, 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. While the Board considered your desire of future military service and possible need for benefits in the future, they determined the severity of your misconduct outweighed any mitigation resulting from those factors. While the Board commends you for your post-service accomplishments and appreciated your rehabilitation efforts, 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 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,

3/23/2026

