



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 22204

Docket No. 8789-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]
[REDACTED]

Ref: (a) 10 U.S.C. § 1552

Encl: (1) DD Form 149 w/enclosures
(2) Results Report for: USMC USMC20362 [REDACTED], 16 Dec 24
(3) NAVMC 118(11), Administrative Remarks (1070), 9 Feb 25
(4) Petitioner's response to enclosure (3), 11 Feb 25
(5) [REDACTED] CO Memo 5800 CO, subj: Removal of Gun Control Page 11's, 6 Aug 25

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his naval record be corrected by removing a Page 11 counseling entry, dated 9 February 2025.

2. The Board, consisting of [REDACTED], reviewed Petitioner's allegations of error and injustice on 20 May 2026 and, pursuant to its regulations, determined the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner's naval records, and applicable statutes, regulations, and policies.

3. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds the following:

a. As documented by urinalysis results dated 3 January 2025, Petitioner tested positive for use of Tetrahydrocannabinol-8 (THC-8). See enclosure (2).

b. On 9 February 2025, Petitioner was issued a Page 11 counseling entry pertaining to gun control. Therein, Petitioner acknowledged he understood his urinalysis specimen had tested positive for a controlled substance, that medical personnel had confirmed no lawful use of the substance was found in his medical record, and, that pursuant to Federal Law (18 U.S.C. §922(g)(3), it was unlawful to possess, ship, transport, or received a firearm or ammunition for person use for a period of 12 months from the later[sic] of the counseling or adjudication of the offense by administrative means. The counseling entry was signed by both the Petitioner and his

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commanding officer (CO), and Petitioner indicated his intent to submit a statement in response. See enclosure (3).

c. On 11 February 2025, Petitioner submitted a written response to the counseling entry referenced in paragraph 3c, therein stating he had never, in his life, ever used a controlled or prohibited substance knowingly or intentionally. See enclosure (4).

d. In a memorandum to the Board, dated 6 August 2025, Petitioner's CO stated that because THC-8 is not a controlled substance, the counseling entry was erroneous and must be removed from Petitioner's record.¹ See enclosure (5).

e. Petitioner contends relief is warranted because the counseling entry was based on a positive urinalysis for THC-8, which is not a controlled substance, and keeping the counseling entry in his record implies wrongdoing that was never substantiated. See enclosure (1).

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board found the existence of material error in Petitioner's record warranting relief. Specifically, the Board found the counseling entry contained in enclosure (3) was erroneously issued. In making this determination, the Board relied on enclosure (5), the CO's memorandum, in addition to enclosure (2), the urinalysis result, which clearly shows Petitioner tested positive for THC-8, which is not a controlled substance. The Board thus concluded enclosures (3) and (4), the counseling entry and Petitioner's response, should be removed from Petitioner's record.

RECOMMENDATION:

In view of the above, the Board directs the following corrective action.

a. Remove enclosure (3), the counseling entry dated 9 February 2025, from Petitioner's OMPF.

b. Remove enclosure (4), Petitioner's response to the counseling entry dated 11 February 2025, from Petitioner's OMPF.

That any other material or entries inconsistent with or relating to the Board's recommendation be corrected, removed, or completely expunged from Petitioner's record, and no such entries or material be added to the record in the future. This includes, but is not limited to, all information systems or database entries that reference or discuss the expunged material.

4. 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 entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)) and

¹ THC-9 is a controlled substance, but not THC-8 (hemp).

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[REDACTED]
having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

6/8/2026

