



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

■
Docket No. 9626-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER ■
■ USMC

Ref: (a) 10 U.S.C. §1552
(b) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 with attachments
(2) Case summary
(3) Subject's naval record (excerpts)

1. Pursuant to the provisions of reference (a), Petitioner, a former member of the Marine Corps, filed enclosure (1) requesting upgrade of his Bad Conduct Discharge (BCD) on his Certificate of Release or Discharge from Active Duty (DD Form 214). Enclosures (1) through (3) apply.

2. The Board, consisting of ■, ■, and ■, reviewed Petitioner's allegations of error and injustice on 8 May 2026 and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, and applicable statutes, regulations, and policies, to include reference (b).

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to review the application on its merits.

c. Petitioner enlisted in the Marine Corps and began a period of active service on 1 October 1979. As part of his enlistment processing, he disclosed pre-service marijuana use. After completing his first period of obligated active service, Petitioner was honorably discharged, on 30 September 1982, and transferred to the Marine Corps Reserve.

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d. On 5 January 1983, Petitioner reenlisted and commenced a period of active duty. After a period of Honorable service, which included participation in a multinational peacekeeping force in Beirut, Lebanon, he reenlisted for six years, on 22 June 1985, as a Sergeant (E-5).

e. On 16 February 1989, Petitioner graduated from Recruiter School and joined Headquarters, [REDACTED], [REDACTED], [REDACTED]. On 1 December 1989, Petitioner was promoted to Staff Sergeant (SSgt) (E-6).

f. On 1 October 1990, Petitioner was found not guilty at Special Court Martial (SPCM) of wrongful use of amphetamine/methamphetamine.

g. On 20 June 1991, Petitioner pleaded guilty at SPCM to wrongful use of cocaine and was sentenced to reduction in rank to E-1 and a BCD.¹ Subsequently, the findings and sentence in his SPCM were affirmed and he was issued a BCD on 18 September 1992. Upon his discharge, he was issued a DD Form 214 that did not annotate his period of continuous Honorable service from 5 January 1983 to 22 June 1985. Additionally, the DD Form 214 erroneously lists his active duty start date as 1 October 1982.

h. Petitioner contends he served honorably for nine out of ten years, received three Good Conduct Medals, held positions above his pay grade, and served honorably overseas.

CONCLUSION:

Upon careful review and consideration of all of the evidence of record, the Board determined that Petitioner's request warrants partial relief. Specifically, as previously discussed, the Board noted that Petitioner's DD Form 214 ending on 18 September 1992 does not include a statement of continuous Honorable service for his second enlistment and erroneously lists his active duty start date as 1 October 1982. The Board determined both errors require correction.

Notwithstanding the recommended corrective action below, the Board found no error or injustice in Petitioner's BCD as adjudged by SPCM.

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, Petitioner's desire for an upgrade to his characterization of service, Petitioner's contentions, the totality of Petitioner's service to include service highlights, the non-violent nature of Petitioner's misconduct, the negative effect Petitioner's discharge has had on his life, the harshness of Petitioner's punishment, and the passage of time since Petitioner's 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 Petitioner's 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

¹ Petitioner was placed on legal hold effective 13 June 1991. His original EAOS was 21 June 1991.

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[REDACTED] USMC

for duty, and poses an unnecessary risk to the safety of their fellow service members. The Board noted that Petitioner was given a special position of trust and responsibility as a SSgt and a Recruiter, making his misconduct especially egregious. Therefore, even taking into consideration all the mitigation factors in Petitioner's case, the Board found that his misconduct while on active duty outweighed the mitigation evidence offered. While the Board acknowledged Petitioner's previous Honorable service, ultimately, the Board concluded an upgrade of Petitioner's discharge characterization of service is not warranted in the interests of justice.

RECOMMENDATION:

That Petitioner be issued a correction to DD Form 214 (DD Form 215), for the period ending 18 September 1992, making the following corrections:

Block 12.a., "Date Entered AD This Period:" "830105"

Block 18, "Remarks:" "CONTINUOUS HONORABLE ACTIVE SERVICE FROM 830105 UNTIL 850622."

That no further changes be made to Petitioner's record.

That a copy of this report of proceedings be filed in Petitioner's naval record.

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 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.

6/3/2026

