



[REDACTED]

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. 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.

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:

- You enlisted in the Marine Corps and began a period of active duty on 29 December 1993.
- On 14 January 1994, Navy Drug Laboratory reported that your urine sample tested positive for THC (marijuana).
- On 18 January 1994, Director, Recruit Administration Center noted that a review of your Record of Military Processing (DD Form 1966), Drug Abuse Screening Form, and DD Form 398-2 revealed you were not covered by a drug waiver for marijuana.

- Consequently, you were notified that you were being recommended for administrative discharge from the Marine Corps by reason of defective enlistment due to fraudulent entry. You were informed of the basis for this recommendation and that the least favorable characterization of service you may receive is an uncharacterized Entry Level Separation (ELS). You waived your right to consult with counsel and to submit a written statement in rebuttal. The commanding officer (CO) forwarded your administrative separation package to the separation authority recommending your administrative discharge from the Marine Corps with an uncharacterized ELS for defective enlistment due to fraudulent entry. The separation authority approved the recommendation and you were so discharged on 27 January 1994.

In your application to this Board, you express a desire for your discharge character of service be upgraded and contend that:

- Given the significant changes in laws and policies regarding cannabis since your separation, you believe that correcting your record to a more favorable discharge status would provide appropriate and just relief.

- This correction should be made because the basis of your discharge would be treated differently under current laws and policies. Marijuana is now legal for medical or recreational use in many states and you have been a licensed medical cannabis patient for years.

- Your discharge has had a lasting negative effect on your life and opportunities, and an upgrade would address this unfair impact.

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 fraudulent enlistment into the Navy. The Board noted you did not deny the conduct that formed the basis for your administrative separation. Therefore, 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 an upgrade to your characterization of service, your contentions, 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, 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 your assigned uncharacterized ELS remains appropriate. The Board noted that service regulations direct the assignment of an uncharacterized entry-level separation for service members processed for separation, as you were, within their first 180 days of active duty. While there are exceptions to this policy, the Board found that none applied to you based on the circumstances of your separation. In

reviewing the circumstances of your case, the Board was unable to discern any facts that were extraordinary or uniquely different from countless of other former service members who were discharged while in an ELS status. Based on the record, you affirmatively acknowledged your rights during your administrative separation processing and were appropriately discharged based on a fraudulent entry, as evidenced by your failure to disclose your preservice substance abuse. The Board also observed that marijuana use remains prohibited in the military. Regardless, the Board determined that even if marijuana was legalized in the military, your separation would remain an uncharacterized ELS since you did not remain on active duty the minimum amount of days to rate a characterized discharge. Therefore, the Board concluded an upgrade of your discharge characterization of service is not warranted in the interests of justice.

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,

6/3/2026

