



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

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Docket No. 715-26
Ref: Signature Date

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Dear Petitioner:

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.

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 13 February 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, and 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).

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues 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 U.S. Marine Corps and began a period of active duty service on 3 August 2009. As part of your enlistment application, on 5 December 2008 you acknowledged and signed the "Statement of Understanding – Marine Corps Policy Concerning Illegal Use of Drugs" (SOU). The SOU stated, in pertinent part:

"I understand that I will be screened for alcohol and given a urinalysis test for drugs during my initial MEPS physical, and given a urinalysis test for drugs within 24 hours of my arrival at recruit training."

2. Your enlistment physical examination, on 8 December 2008, and self-reported medical history both noted/endorsed no neurologic or psychiatric history, symptoms, conditions, or issues. You specifically denied marijuana or other drug abuse on your medical history form.

3. However, you tested positive for marijuana on a urinalysis test upon your arrival at ██████████. Following your positive drug test result, your command notified you that you were being processed for an administrative discharge by reason of defective enlistment and induction due to fraudulent entry into the Marine Corps as evidenced by your deliberate concealment of prior drug use/abuse.

4. On 21 August 2009, your command issued you a “Page 11” counseling sheet (Page 11) where you acknowledged that you were not recommended for reenlistment and were being assigned an “RE-3F” reentry code due to your positive drug test. You did not submit a Page 11 rebuttal statement. Ultimately, on 21 August 2009, you were discharged from the Marine Corps for a fraudulent entry with an uncharacterized entry level separation (ELS) and assigned an RE-3F reentry code.

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 positive urinalysis. While the Board carefully considered your contention for mitigation, the Board noted you admitted to committing the misconduct. Therefore, the Board determined the presumption of regularity applies to the finding that you committed the misconduct that formed the basis of your administrative separation and no error exists with your reason for separation.

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 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, your rehabilitation efforts, your candor and remorse, your desire to enter the National Guard, 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. The Board observed you were made aware in advance that you would undergo a urinalysis test upon reporting to MCRD, you failed to adhere and meet basic Marine Corps core values, and displayed a lack of integrity when you tested positive for marijuana.

Finally, the Board also noted that your RE-3F reentry code may not prohibit reenlistment, but requires that a waiver be obtained. Recruiting personnel are responsible for determining whether you meet the standards for reenlistment and whether or not a request for a waiver of your reentry code is feasible. Therefore, the Board did not find a change to your reason for separation or

reentry code to be warranted in the interests of justice. Based on the same rationale, the Board found no basis to remove your DD Form 214 from your record.

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 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,

2/22/2026

