



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

██████
Docket No. 4689-25
Ref: Signature Date

████████████████████
████████████████████
████████████████████

Dear ██████████

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 18 May 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 this 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 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 January 2001.
- On 19 March 2002, your command was notified that your urine sample tested positive for cocaine metabolites.
- On 28 March 2002, you received non-judicial punishment (NJP) for wrongful use of cocaine, in violation of Article 112a, Uniform Code of Military Justice (UCMJ). Your awarded punishment included reduction to E-2/PFC, forfeiture of pay, restriction, and extra duties. You did not appeal the NJP.
- On 4 June 2002, you were notified of administrative separation proceedings by reason of misconduct due to drug abuse.

- On 6 June 2002, you acknowledged your rights, elected to consult with counsel, and requested an administrative discharge board (ADB).
- On 30 August 2002, the ADB substantiated the misconduct basis and recommended separation with an Other Than Honorable (OTH) characterization of service. During your ADB hearing, you testified under oath that you purchased cocaine, used it and drove back to your command the same day, and underwent a urinalysis the next day.
- Ultimately, on 9 October 2002, you were discharged from the Marine Corps under OTH conditions by reason of misconduct due to drug abuse.

In your application to this Board, you request your characterization of service be upgraded to General (Under Honorable Conditions) and contend that family hardship and emergency circumstances contributed to your misconduct; specifically, your sister being on life support and your desire to remain with her children during emergency leave. You also state this was an immature decision that you continue to regret, you have since earned a degree, and serve as a nurse. In support of your application, you submitted personal statements and advocacy letters.

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. The Board noted you admit to committing the misconduct that formed the basis for your administrative separation and OTH discharge. Therefore, the Board determined the presumption of regularity applies to your OTH discharge 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 upgraded characterization of service, your contentions, the totality of your service, your remorse, your post-service conduct and accomplishments, advocacy letters of support submitted on your behalf, 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 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 and readiness of the force. The Board concluded your misconduct negatively impacted the good order and discipline of your command. Therefore, even taking into consideration all the mitigation factors in your case, the Board found your misconduct while on active duty outweighed the mitigation evidence offered. In making this finding, the Board noted the inconsistencies between your ADB testimony and current contentions. In your ADB testimony, while you mention the stress you were under because of the pending ADB and your sister, you did not testify that you intentionally ingested cocaine to escape your enlistment obligation and, instead, stated how much you wanted to remain in the

Marine Corps. This inconsistency led the Board to question your candor and/or reliability of recall in this matter. Finally, the Board believed it would be unjust to characterize your less than honorable service in the same manner as the service of those Marines who completed their service honorably without engaging in misconduct warranting administrative separation. While the Board commends you for your post-service accomplishments and acknowledged the personal difficulties you have endured, ultimately, 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,

5/29/2026

