



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

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Docket No: 2102-21

Ref: Signature Date

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Dear █

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. 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 9 July 2021. 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, 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).

You enlisted in the Navy and began a period of active duty on 21 July 1983. On 18 January 1985, you tested positive during a urinalysis for a controlled substance. On the same date, you began a period of unauthorized absence (UA) which lasted four days. On 23 January 1985, you received nonjudicial punishment (NJP) for the period of UA. Subsequently, you were counseled for substance abuse, and advised that failure to take corrective action could result in the initiation of administrative separation proceedings. On 8 May 1985, your commanding officer (CO) ordered you to attend treatment for substance abuse. On 26 June 1985, you were released from substance abuse treatment with a fair prognosis, and recommended for full duty with no restrictions. On 7 August 1985, you were counseled for failure to follow after care program instructions by not complying with daily Antabuse treatment. You were advised that failure to take corrective action may result in administrative separation proceedings. On 13 November 1985 and 4 December 1985, you tested positive for use of a controlled substance. On 9 December 1985, you received a second NJP for wrongful use of a controlled substance. On 14 December 1985, you began a second period of UA which lasted three days. On 19 December

1985, you received a third NJP for the second period of UA. On 12 December 1986, you were notified of the initiation of administrative separation proceedings due to drug abuse and drug rehabilitation failure. On 16 January 1986, you elected to waive all your procedural rights. On 26 January 1986, your CO forwarded your package to the separation authority recommending your separation with an other than honorable (OTH) characterization of service by reason of misconduct due to drug abuse. From 10 February 1986 to 6 March 1986, you were again in a UA status on six separate occasions. On 8 April 1986, the separation authority approved your separation with an OTH characterization of service by reason of misconduct due to drug abuse. On 9 April 1986, you received a fourth NJP for five of the six aforementioned periods of UA. On 15 April 1986, you were discharged.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Wilkie Memo. These included, but were not limited to, your contention that you have grown and lived an honorable and responsible hardworking life. The Board noted you submitted nine character letters of support, and medical documentation to be considered. However, based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your repeated misconduct, as evidenced by your NJPs, outweighed these mitigating factors. 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 the 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,

7/22/2021

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Executive Director

Signed by: █