



received a brief on the command's zero tolerance substance abuse policy and substance abuse prevention program. On 30 September 1987, you received your first nonjudicial punishment (NJP) for the wrongful use of marijuana. On 30 December 1987, you received a second NJP for two specifications of the wrongful use of a controlled substance (marijuana and cocaine). From 31 December 1987 to 4 January 1988, you were in an unauthorized absence (UA) status totaling four (4) days. In February 1988, as a result of the aforementioned misconduct, you were notified that you were being processed for misconduct for drug use. During this process, you elected your right to consult with counsel and to obtain copies of documents that would be forwarded to Commander Naval Military Personnel Command supporting the basis of the recommended separation. In February 1988, your commanding officer (CO) recommended you be separated with an other than honorable (OTH) characterization of service. Thereafter, the discharge authority agreed with your CO and directed you be separated with an OTH by reason of drug use. On 8 March 1988, you were discharged.

Your request was fully and carefully considered by the Board in light of the Secretary of Defense's Memorandum, "Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Requested by Veterans Claiming Post Traumatic Stress Disorder" of 3 September 2014 and the "Clarifying Guidance to Military Discharge Review Board and Boards for Correction of Military/Naval Records Considering Requests by Veterans for Modification of their Discharge Due to Mental Health Conditions, Sexual Assault, or Sexual Harassment" memorandum of 25 August 2017.

As part of the Board's review, a qualified mental health professional reviewed your request for correction to your record and provided the Board with an AO regarding your assertion that you are dealing with PTSD and this diagnosis might have mitigated the misconduct that led to you receiving an OTH. The AO noted your assertions that you suffered from PTSD while stationed aboard USS █, which was involved in the aftermath of an air-to-ship missile attack on the USS █. You describe that you were tasked with accounting for and removing deceased sailors and unexploded missiles from USS █ after the attack. The AO further noted you did not provide clarifying information about your mental health symptoms during your military service or how those symptoms interfered with your ability to perform your duties. The AO opined the preponderance of available objective evidence failed to establish you suffered from a mental health condition at the time of your military service or your in-service misconduct could be mitigated by a mental health condition.

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 desire to upgrade your discharge and your previously mentioned contentions. The Board noted you did not submit character letters or post-service documents to be considered for clemency purposes. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined your misconduct, as evidenced by your drug use, outweighed these mitigating factors. Additionally, the Board concurred with the AO. 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,

10/22/2021

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Executive Director

Signed by: █