



[REDACTED]

received NJP for wrongful use of marijuana. On 21 April 1986, you were placed on [REDACTED]. On 3 July 1986, you received NJP for 12 days of UA, and sent to the emergency room for a psychiatric evaluation. On 29 August 1986, you completed treatment for alcoholism and were directed to participate in a six-month after-care program. On 1 October 1986, you were again referred to the emergency room of detox. Further, you were referred to psychiatry for suicidal ideation. At that time, you stated you used cocaine and did many drugs while UA, wanted out of the Navy, would do anything to get out, and would not be responsible for your actions if you were to go back onboard your ship. On 28 November 1986, you were convicted by special court-martial (SPCM) of 31 days of UA. You were sentenced to a period of confinement at hard labor, a forfeiture of pay, and a bad conduct discharge (BCD). On 13 January 1988, you received a BCD.

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 were suffering from a Mental Health Condition during your service. The AO noted that the preponderance of available objective evidence failed to establish you suffered from a mental health condition at the time of your military service or that 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 assertion that you were given emergency leave to return home to accompany your mother to visit your younger brother after he had been poisoned while serving in the Army. You further assert that the trauma involved in seeing him in that vegetative state, and the trauma inflicted upon your mother, had a tremendous impact on you and had a great deal to do with your path into your own substance abuse disorder and depression.

Based upon its review, the Board concluded that any potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your three NJPs, SPCM conviction, and the fact that you were warned of the consequences of further misconduct after your first NJP, outweighed these mitigating factors. Further, the Board noted that after your last period of UA, you stated that you would do anything to get out of the Navy. 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

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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,

10/7/2021

[Redacted Signature]

Executive Director

[Redacted Title]