

evaluation after being referred for mental health evaluation due to family stressors, and diagnosed with adjustment disorder, resolved. The evaluation further noted you were found fit for full duty and responsible for your actions. On 2 May 1997 you sustained a head injury when a stake driver bounced off a pole and hit you in the head. You were diagnosed with closed head injury without concussion and treated for a laceration. There was no indication in your record of any neurological or psychological sequelae to your head injury. On 28 August 1997 you were convicted by summary court martial (SCM) of a 5 day period of UA and wrongful marijuana use in violation of Articles 86 and 112a, UCMJ. On 5 September 1997 you refused substance abuse evaluation. On 28 October 1997 you were notified of administrative separation processing by reason of drug abuse as evidenced by your SCM. You waived your procedural rights and were discharged on 11 December 1997 with an other than honorable characterization of service.

You contend you were dealing with many unfortunate incidences as a young individual that you did not know how to handle at the time. You further contend you believe that traumatic incidents and military injuries contributed to your unfortunate choices. You state you are a productive and law abiding man and have not been in any unlawful incidence since your service. You further state you seek VA healthcare due to health issues associated with your military career.

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 contentions noted above and desire to upgrade your discharge. The Board also relied on the AO in making its determination. The AO noted that your mental health presentations were consistently related to events that occurred prior to your enlistment, or to family concerns during your enlistment. Consequently, the AO concluded that the preponderance of objective evidence failed to establish you suffered from an unfitting mental health condition at the time of your military service, or that your in-service misconduct could be attributed to an unfitting mental health condition. Additionally, in its deliberations, the Board noted that you did not provide any documentation in support of your post-service accomplishments, or clemency request. Based upon this review, the Board concluded that the potentially mitigating factors in your case were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your two NJPs and SCM, 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 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, _____

11/8/2021

[REDACTED]

Executive Director

Signed by: [REDACTED]