



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: 3961-21
Ref: Signature Date

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Dear Petitioner:

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 the entire record, the Board for Correction of Naval Records (Board) found the evidence submitted was insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

The Board determined that your personal appearance via video or telephone, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

A three-member panel of the Board, sitting in executive session, considered your application on 29 November 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, and applicable statutes, regulations, and policies, to include the Kurta Memo, the 3 September 2014 guidance from the Secretary of Defense regarding discharge upgrade requests by Veterans claiming post-traumatic stress disorder (PTSD) (Hagel Memo), and the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice, or clemency determinations (Wilkie Memo). In addition, the Board considered the advisory opinion (AO) furnished by a qualified mental health professional dated 7 October 2021, which was previously provided to you.

You enlisted in the Navy and began a period of active duty on 19 February 1987. On 1 July 1987, you were, briefed on the Navy's policy regarding drug and alcohol abuse. On 6 July 1987, you were identified through urinalysis testing, to be a drug abuser. At that time, you were placed on a drug urinalysis surveillance program that was not to exceed 180 days. On 20 February 1992, you reenlisted after serving over four years of honorable service. On 20 March 1992, you received nonjudicial punishment (NJP) for disorderly conduct, drunkenness, and assault. On 1

April 1992, you were counseled regarding your NJP and warned that further deficiencies in your performance or conduct could result in administrative discharge action. On 15 June 1992, you received NJP for wrongful use of cocaine. Additionally, you were notified of administrative discharge action for misconduct due to drug abuse. After being afforded your procedural rights, you elected not to have your case heard before an administrative discharge board. On 25 June 1992, you were found not to be dependent on drugs or alcohol, and your case was forwarded to the separation authority recommending that you receive and other than honorable (OTH) discharge. On 2 August 1992, the separation authority directed that you receive an OTH discharge due to drug abuse. On 12 August 1992, you were discharged from the Navy with an OTH characterization of service.

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 was suffering a mental health condition during your service. The AO noted that though you presented evidence of a post-discharge diagnosis of generalized anxiety disorder, based on the current available evidence, there is insufficient evidence that you experienced an unfitting mental health condition during your military service, or that your misconduct was mitigated by an unfitting 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 contentions that: (a) your discharge should change because of who you are today; (b) you are a recovering alcoholic and addict, have been sober since May of 2000, and alcohol and drug free for 21 years; (c) you made a bad decision during the latter part of your military career; (d) you received an honorable discharge, reenlisted, and seven months later, you were discharged due to drug abuse and alcoholism; and (e) you have been married for over 16 years, employed over 21 years, educated, you are the mother of two daughters, a Christian, useful member in the community, and a Veteran. The Board also considered your post-service accomplishments. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your two NJPs, for serious offenses, one of which for wrongful drug use outweighed these mitigating factors. Additionally, the Board concurred with the AO that though you presented evidence of a post-discharge diagnosis of generalized anxiety disorder, based on the current available evidence, there is insufficient evidence that you experienced an unfitting mental health condition during your military service, or that your misconduct was mitigated by an unfitting mental health condition. 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,

12/14/2021

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Executive Director

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