



You enlisted in the U.S. Navy and began a period of active duty on 19 September 1980. On 18 February 1984, you were counselled regarding your performance, which was assessed to be below the minimum standard. You were further advised that failure to demonstrate sustained trend of improvement may result in your administrative discharge. On 24 May 1984, you received Non-Judicial Punishment (NJP) for wrongfully possessing trace amounts of marijuana in your system, as indicated through a positive urinalysis.

On 31 May 1984, you were notified of your pending administrative separation due to drug abuse and unsatisfactory performance, at which time, you elected your right to consult with counsel and to obtain copies of documents which were to be forwarded to Commander, Naval Personnel Command. You waived your right to an administrative discharge board and to submit a statement on your behalf. On 7 June 1984, you were notified of the commanding officer's (CO) intent to recommend to the separation authority that you be discharged with a general (under honorable conditions) (GEN) discharge for drug abuse and unsatisfactory performance. On 13 June 1984, the separation authority directed you be discharged with an OTH for drug use and on 26 June 1984, you were so discharged.

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 assertions that: (1) several issues and civil rights violations were allowed to enable the Navy to discharge you; (2) you were assaulted while executing an order to subdue a senior enlisted Sailor who kicked you in the groin requiring you to have surgery; (3) upon returning to the command you were harassed and bullied in efforts to support the Sailor who assaulted you as there were concerns you would pursue assault charges against your alleged assailant; (4) your assailant was never held accountable; (5) drug testing commenced in 1983 and was extremely unreliable and subjective; (6) after testing positive for marijuana you cooperated with an investigation and providing names of other marijuana users; (7) as a result of your cooperation you were promised a GEN vice OTH discharge; (8) these incidents resulted in your physical and mental disabilities; and (9) you have PTSD, extreme anxiety, and other issues.

The AO noted your service records do not indicate any diagnosis of an unfitting mental health condition and no post-service records indicate diagnosis of an unfitting mental health condition. The AO opined, based on the current available evidence, there is insufficient evidence that you incurred an unfitting mental health condition or PTSD during your military service, and there is insufficient evidence that your misconduct should be attributed to 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 contentions noted above. The Board viewed your allegations with serious concern. However, this Board is not an investigating agency nor does it have the resources to investigate unsubstantiated allegations. Additionally, the Board noted, aside from your statements and congressional correspondence, you did not submit advocacy 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 that your misconduct, as evidenced by your drug use

and NJP, 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,

1/13/2022

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Executive Director

Signed by: █