



[REDACTED]

e. On 8 December 1992, Petitioner was notified that he was being recommended for administrative discharge from the Navy by reason of misconduct due to drug abuse. Petitioner was advised of, and elected his procedural right, to consult with and be represented by military counsel, and to present his case to an administrative discharge board (ADB). An ADB was convened, and recommended that Petitioner be separated from the Navy with an other than honorable (OTH) characterization of service. Prior to the commanding officer's (CO) recommendation, Petitioner received his second NJP for dereliction in the performance of duty.

f. Petitioner's CO then forwarded the administrative separation package to the separation authority (SA) recommending that Petitioner be administratively discharged from the Navy with an OTH characterization of service. The SA approved the recommendation and directed Petitioner's administrative discharge from the Navy with an OTH characterization of service by reason of misconduct due to drug abuse. On 21 April 1993, Petitioner was so discharged.

g. Petitioner contends that he was not in a good state of mind when he tested positive for marijuana. Prior to his positive test, he was deployed to the [REDACTED] during wartime. After completing a six-month deployment, he felt as though his mental wellness was not stable causing him to drink heavily and use marijuana. Petitioner further states it has been 28 years since he was discharged and he is in a good mental and physical state of mind with no criminal background and a good work history.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that given the totality of his circumstances, Petitioner's request merits partial relief.

With regard to Petitioner's request for an upgrade of his character of service, the Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in Petitioner's case in accordance with reference (b). These included, but were not limited to, Petitioner's desire to upgrade his character of service and his contention as previously discussed. The Board noted Petitioner did not submit any supporting documentation or advocacy letters in support of his application to be considered for clemency consideration. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that Petitioner's misconduct, as evidenced by an NJP for the wrongful use of a controlled substance, outweighed these mitigating factors. Accordingly, given the totality of the circumstances, the Board determined that Petitioner's request does not merit relief.

The Board noted Petitioner has an honorable enlistment from "18 November 1986 to 17 October 1991" and his Certificate of Release or Discharge from Active Duty (DD Form 214) should reflect his first period of enlistment as honorable. The DD Form 214 incorrectly puts both periods together as one enlistment. In this regard, the Board determined Petitioner's naval record should be corrected to reflect two separate periods of enlistment.

[REDACTED]

RECOMMENDATION:

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action:

That Petitioner's naval record be corrected to reflect two separate enlistments. Petitioner's first enlistment from "18 November 1986 to 17 October 1991" with an honorable characterization of service. Petitioner's second enlistment from "18 October 1991 to 21 April 1993" with an OTH characterization of service. Petitioner shall be issued a DD Form 215 with correction to the Remarks Section (Block 18), listing his honorable period of prior service.

That no further changes be made to Petitioner's record.

That a copy of this report of proceedings be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.
5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

10/7/2021

[REDACTED]

Executive Director

[REDACTED]