



**DEPARTMENT OF THE NAVY**  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

█  
Docket No: 5629-21  
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 1 October 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 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice or clemency determinations (Wilkie Memo).

You enlisted in the Navy and began a period of active service on 10 April 2000. On 10 April 2001, you received non-judicial punishment (NJP) for wrongful use of marijuana. On 3 May 2001, you were notified of the initiation of administrative separation proceedings by reason of misconduct due to drug abuse, at which point, you waived your right to counsel, and review of your case by an administrative discharge board (ADB). On 18 May 2001, you received your second NJP for three specifications of unauthorized absence from your appointed place of duty. On 11 June 2001, your commanding officer recommended your discharge, with an other than honorable (OTH) characterization of service by reason of misconduct due to drug abuse. On 25 June 2001, the discharge authority approved and directed your separation from the naval service with an other than honorable (OTH) characterization of service by reason of misconduct due to drug abuse. On 20 July 2001, you were so discharged.

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 desire to upgrade your characterization of service so that

you are eligible for veteran's benefits due to service-connected injuries. The Board considered that you would like veteran's benefits, but notes that the agency that determines your eligibility for benefits is the Department of Veterans Affairs (DVA). The Board found no error or injustice in your naval record. The Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board considered your repeated misconduct, and the severity of your drug related misconduct. 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,

10/17/2021

[REDACTED]

Executive Director

[REDACTED]