



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

█  
Docket No: 6512-21

Ref: Signature Date

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Dear █

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 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 22 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, 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 duty on 11 April 1983. On 10 February 1986, you were discharged with an honorable discharge characterization of service by reason of immediate reenlistment. On 11 February 1986, you began a second period of active duty. On 12 January 1988, you tested positive to use of cocaine during random urinalysis. On 16 January 1988, you began a period of unauthorized absence (UA) which lasted ten-days. On 9 February 1988, your commanding officer (CO) granted your request for a polygraph examination as result of your denial for the use of a controlled substance. On 16 February 1988, your polygraph examination results indicated that you were deceptive in your responses to NIS agents, and your admission of culpability. On 29 February 1988, you received nonjudicial punishment (NJP) for wrongful use of a controlled substance and a period of UA. On 17 March 1988, you were notified of the initiation of administrative separation proceedings by reason of misconduct due to drug abuse, at which point, you requested a hearing by an administrative discharge board (ADB). On 7 April 1988, the ADB voted (3) to (0) that you committed misconduct due to drug abuse. On

9 May 1988, your CO disagreed with the ADB recommendation for a suspended separation with an OTH discharge characterization of service, at which point, he recommended your immediate separation of service with an OTH discharge by reason of misconduct due to drug abuse. On 28 June 1988, the discharge authority approved and ordered an OTH discharge characterization of service by reason misconduct due to drug abuse. On 27 July 1988, you were discharged. On 4 April 2011, the Board for Corrections of Naval Records (Board) denied your request for a discharge characterization of service upgrade.

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 you were wrongfully discharged from service as a result of drug abuse, and individuals who use drugs would not volunteer for urinalysis. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your repeated misconduct, as evidenced by your NJP and ADB results, outweighed these mitigating factors. The Board noted you did not submit any documentation or advocacy letters to be considered. 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 the 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,

12/23/2021

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Executive Director

Signed by: █