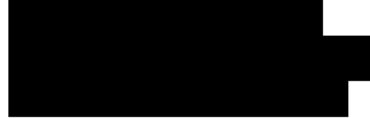




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

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Docket No: 6651-21
Ref: Signature Date



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 3 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 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 6 February 1998. You received non-judicial punishment (NJP) on 20 March 2002 for wrongful use of a controlled substance. You were notified of the initiation of administrative separation on 16 April 2002 by reason of misconduct due to drug abuse, at which point, you exercised your right to consult with counsel, and you waived your right of review of your case by an administrative discharge board (ADB). On 20 April 2002, you were notified on a second occasion of the initiation of administrative separation by reason of misconduct due to drug abuse, at which time you elected to waive your right to consult with counsel, and you waived your right of review by an ADB. On 22 May 2002, your commanding officer recommended your discharge from naval service with an other than honorable (OTH) character of service by reason of misconduct due to drug abuse. On 23 May 2002, the separation authority concurred with your commanding officer. On 31 May 2002, you were discharged from naval service with an OTH characterization of service by reason of misconduct due to drug abuse.

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 character of service to honorable. You requested the Board consider all unfortunate circumstances that led to your OTH discharge. The Board reviewed the character letter you provided with your application. The Board considered your contention, but found no basis to adjust the character of your service. The Board found no error or injustice in your naval record. The Board relied upon the presumption of regularity and presumed that the officials acted in accordance with governing law/policy and in good faith. 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,

12/1/2021

[REDACTED]

Executive Director

Signed by: [REDACTED]