



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: 6703-21
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 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, 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. On 7 January 1998, you tested positive for marijuana use. On 9 January 1998, you received non-judicial punishment (NJP) for wrongful use of marijuana. As a result of the foregoing, on 21 January 1998, you were notified of the initiation of administrative separation proceedings by reason of misconduct due to drug abuse. On 9 February 1998, you waived your right to consult with counsel, and you waived your right of review of your case by an administrative discharge board (ADB). On 9 February 1998, 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 25 February 1998, the separation authority concurred with your commanding officer's recommendation. On 3 March 1998, 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 characterization of service. You



contend, you were wrongly accused which led to a court martial. You contend this killed morale and led to an inconclusive discharge. The Board noted your record reflects a positive urinalysis for marijuana use. The Board considered your contention, but found no basis to adjust the character of your service. The Board determined you failed to provide evidence to support your contentions, and found no error or injustice in your naval record. 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,

12/10/2021



Executive Director

Signed by:

