



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: 0992-22
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 16 February 2022. 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 March 1988. On 25 March 1988, you were counseled regarding the Navy's policy on drug and alcohol abuse. On 21 December 1988, you received non-judicial punishment (NJP) for wrongful use of cocaine. On the same day, you were counseled regarding your drug related misconduct. On 10 October 1989, a medical evaluation board (MEB) noted you incurred an injury to your hand during basic training, and recommended limited duty for a period of six months. On 26 October 1989, you received NJP for unauthorized absence (UA) from 12 October 2018 to 18 October 1989. On 22 May 1990, you were notified of the initiation of administrative separation proceedings as a result of misconduct due to drug abuse, at which point, you waived your right to consult with counsel. On 4 July 1990, the discharge authority approved and directed your discharge with an other than honorable (OTH) character of service by reason of misconduct due to drug abuse. On 13 July 1990, 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 character of service, and change the date of birth (DOB) listed on your discharge documents. You deny cocaine use, however, you admit to illegal use of Vicodin to treat an injury you incurred while on active duty. You contend your were young and immature. You state you have received documents, which reflect your character of service has been changed to honorable. Additionally, you contend that after your discharge from naval service you've worked with your local police department, and you operate an animal shelter. The Board reviewed the documents you provided with your application. The Board requires a copy of your birth certificate to support adjustment to the DOB listed on your Certificate of Release or Discharge from Active Duty (DD Form 214). The Board noted you were specifically informed of the Navy's policy on drug and alcohol abuse. The Board found no connection in the record between your drug use and the injury you incurred while in basic training. The Board determined you failed to provide sufficient evidence to mitigate 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,

3/4/2022

[REDACTED]
Executive Director
[REDACTED]