



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

█  
Docket No: 1142-22

Ref: Signature Date

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█  
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Dear Petitioner:

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 14 March 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, applicable statutes, regulations, and policies.

On 13 April 1984, you reenlisted in the Navy after serving approximately eight years of prior honorable service. On 26 March 1985, you received nonjudicial punishment (NJP) for wrongful use of a controlled substance-cocaine. On 15 May 1985, you were notified of the initiation of administrative separation proceedings by reason of misconduct due to drug abuse. On 17 May 1985, you elected to waive all your procedural rights. On 22 May 1985, your commanding officer recommended an other than honorable (OTH) discharge characterization of service by reason of misconduct due to drug abuse. On 28 May 1985, the discharge approval authority approved and ordered an OTH discharge by reason of misconduct due to drug abuse. On 4 June 1985, you were discharged. On 29 January 2020, this Board denied your request for a discharge 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 contention that your discharge characterization of service

for your last period of service was erroneously recorded as “dishonorable discharge.” Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board found no evidence that you were assigned a dishonorable characterization of service upon your discharge from the Navy. The Board noted that your DD Form 214 accurately reflects your OTH characterization in Block 24. 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,

3/24/2022

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Executive Director

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