



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

█
Docket No: 1611-22

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 21 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, 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 14 January 1980. On 21 May 1981, you received nonjudicial punishment (NJP) for sleeping while on watch. On 7 July 1981, you received a second NJP for being absent without authority (UA) for approximately 24 hours. On 21 July 1981, you received a third NJP for failure to report to your appointed place of duty. On the same date, your previous NJP sentenced was vacated. On 28 November 1982, you received a fourth NJP for wrongful use and possession of marijuana. On 29 November 1982, you were counseled for misconduct as evidenced by your use of drugs. You were advised that failure to take corrective action could result in administrative separation. On 14 January 1983, you received a fifth NJP for being absent from your appointed place of duty. On 21 July 1983, you received a sixth NJP for wrongful use of a controlled substance-marijuana. On the same date, you were notified of the initiation of administrative separation proceedings by reason of misconduct due to pattern of misconduct and drug abuse, at which point, you elected to waive all your procedural rights. On 25 July 1983, your commanding officer recommended an other than

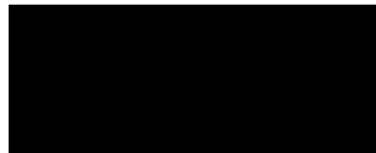
honorable (OTH) discharge characterization of service by reason of misconduct due to pattern of misconduct and drug abuse. On 29 July 1983, the discharge authority approved and ordered and OTH discharge by reason of misconduct due to pattern of frequent involvement of discreditable nature with civil or military authorities. On 5 August 1983, you were 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 contention that you never used drugs and that the test methods used by the Navy were newly introduced and reflected many false positives. 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 multiple NJPs, outweighed these mitigating factors. In making this finding, the Board considered that you were warned repeatedly about the consequences of your continued misconduct. Further, 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,

4/5/2022



Executive Director

Signed by: 