



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: 1952-22
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 8 April 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 3 March 1980. On 5 August 1980, you received non-judicial punishment (NJP) for wrongful possession and use of marijuana. On 6 November 1980, you received NJP for unauthorized absence (UA). On 15 January 1981, you received your second drug related NJP for wrongful possession and use of marijuana in addition to UA. On the same day, you were counseled regarding your receipt of NJP, and notified further misconduct may result in administrative separation proceedings. On 3 February 1981, your commanding officer recommended your retention in the Navy, and determined further drug involvement would initiate administrative separation proceedings. On 24 June 1982, you received non-judicial punishment (NJP) for UA and violation of a lawful written instruction. On 15 January 1983, you were counseled regarding your development of a pattern of misconduct and drug abuse, and you were again notified further misconduct may result in administrative separation. On 24 January 1983, you received your third drug related NJP for wrongful use of marijuana. On 31 January 1983, you were notified of the initiation of administrative separation proceedings as a result of misconduct due to drug abuse and pattern of misconduct. On 2 February 1983, you waived your right to consult with counsel, and review of

your case by an administrative discharge board (ADB). On 6 February 1983, your commanding officer recommended your discharge with an other than honorable (OTH) character of service by reason of misconduct due to pattern of misconduct and drug abuse. On 14 February 1983, 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 18 February 1983, 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 to honorable. You also contend that you are a proud American who served during peacetime after Vietnam. Based upon this review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your five NJPs, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and concluded it showed a complete disregard for military authority and regulations. Additionally, the Board noted you did not submit any documentation or advocacy letters in support of your application to be considered by the Board. As a result, the Board determined your conduct constituted a significant departure from that expected of a sailor and continues to warrant an OTH characterization. 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,

4/28/2022

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Executive Director

Signed by: █