



“Misconduct,” your reenlistment code is “RE-4,” and your separation code is “KKK” which corresponds to 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 discharge character of service and change your narrative reason for separation along with your separation code. The Board also considered your assertions that you do not have a criminal record, any record of alcohol or drug abuse or other types of misbehavior, you frequently volunteer in your community, you are active in veteran organizations, and strive to be exemplary in all things. You further contend that you have been married for nearly 23 years with two children, you own your home, you earned your bachelor’s diploma, and you are currently in pursuit of your graduate level diploma. For purposes of clemency consideration, the Board noted you provided supporting documentation describing post-service accomplishments and advocacy letters.

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 discharge for misconduct due to drug abuse, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact it involved a drug offense. The Board also determined that illegal drug use by a Sailor is contrary to Navy core values and policy, renders such Sailor unfit for duty, and poses an unnecessary risk to the safety of their fellow Sailors. Further, the Board considered the likely negative effect your misconduct had on the good order and discipline of your command. Finally, the Board determined that the assignment of an RE-4 reentry code and separation code of “KKK” is authorized by regulatory guidance and assigned when the service member is processed for administrative separation by reason of misconduct due to drug abuse. As a result, the Board determined significant negative aspects of your service outweigh the positive aspects and continues to warrant a General (Under Honorable Conditions) characterization. Ultimately, while the Board considered your advocacy letters and commended you for your post-discharge good character, they concluded that it was insufficient mitigation evidence to outweigh your misconduct. Even in light of the Wilkie Memo and reviewing the record holistically, the Board did not find evidence of an error or injustice that warrants upgrading your characterization of service, changing your narrative reason for separation, or granting clemency in your case. Accordingly, given the totality of the circumstances, the Board determined 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,

11/1/2022

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Executive Director

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