



On 14 October 1981, you began a second period of service after reenlisting. On 28 September 1982, you were diagnosed by a medical officer with continuous habitual drinking with past history of psychological dependence on marijuana. From 4 November 1982 to 11 November 1982, you had two periods of UA adding to a total of 14 hours, and 55 minutes, and resulted in your fifth NJP on 19 November 1982. On 24 June 1983, you received a sixth NJP for wrongful use of a controlled substance-marijuana. On 25 June 1983, a substance abuse report indicated that you have failed to respond to rehabilitation on three occasions.

On 28 June 1983, you were notified of the initiation of administrative separation proceedings by reason of alcohol abuse rehabilitation failure, at which point, you elected to waive all your procedural rights. On 5 July 1983, your commanding officer (CO) recommended a General (Under Honorable Conditions) characterization of service by reason of alcohol rehabilitation failure. On 20 July 1983, the discharge authority directed you be reprocessed for administrative separation by reason of misconduct due to drug abuse. As a result, on 28 July 1983, you were notified of the initiation of administrative separation proceedings by reason of misconduct due to drug abuse and elected an Administrative Discharge Board (ADB). On 8 September 1983, the ADB voted (3) to (0) that you committed misconduct due to drug abuse and recommended your separation with an Other Than Honorable (OTH) characterization of service. On 28 September 1983, your CO recommended an OTH discharge characterization by reason of misconduct due to drug abuse. On 15 October 1983, the discharge authority approved and ordered an OTH discharge characterization by reason of misconduct due to drug abuse. On 20 October 1982, 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 desire for a discharge upgrade and contentions that you were wrongfully accused of drug abuse, faced constant harassment from your chief petty officer, and that you were dealing with marital problems. For purposes of clemency consideration, the Board noted you provided supporting documentation describing post-service accomplishments but no advocacy letters.

Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your multiple NJPs, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the likely negative impact it had on the good order and discipline of your commands. In addition, the Board considered that your conduct included multiple drug offenses. The Board determined that illegal drug use by a Sailor is contrary to Navy core values and policy, renders such Sailors unfit for duty, and poses an unnecessary risk to the safety of their fellow Sailors. The Board noted that marijuana use in any form is still against Department of Defense regulations and not permitted for recreational use while serving in the military. Further, the Board considered that you did not provide any substantiating evidence to support your contentions of harassment and unfair treatment. As a result, the Board concluded your conduct constituted a significant departure from that expected of a Sailor and continues to warrant an OTH characterization. While the Board commends your post-discharge accomplishments and service with the Merchant Marines, after applying liberal consideration, the Board did not find evidence of an error or injustice that warrants upgrading

your characterization of service or granting clemency in the form of an upgraded characterization of service. 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,

9/13/2022

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Executive Director

Signed by: █