



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

██████████
Docket No: 4247-22
3315-06
Ref: Signature Date

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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.

Because your application was submitted with new evidence not previously considered, the Board found it in the interest of justice to review your application. Your current request has been carefully examined by a three-member panel, sitting in executive session on 1 July 2022. The names and votes of the members of the panel 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 began a period of active service on 10 March 1987. You were counseled regarding the Navy's drug and alcohol abuse policy prior to your entrance onto active duty. On 16 October 1987, you underwent a medical evaluation for marijuana and alcohol abuse. You failed to report to your appointed place of duty on 19 October 1987. On 20 October 1987, you began a period of unauthorized absence (UA) and missed ships movement. On 17 November 1987, you returned from UA and you were admitted to a 30-day substance abuse detoxification program. On 8 January 1988, you received non-judicial punishment (NJP) for wrongful use of cocaine, wrongful use of marijuana, and UA. You were subsequently admitted for a second inpatient treatment for substance abuse. Upon your discharged, your were diagnosed with polysubstance dependence, and personality disorder. As a result of the foregoing, on 14 January 1988, you were notified of the initiation of administrative separation

proceedings by reason of misconduct due to drug abuse and commission of a serious offense, at which point, you waived your right to consult with counsel, and a hearing by an administrative discharge board (ADB). On 21 January 1988, the separation authority approved and directed your separation with an Other Than Honorable (OTH) character of service by reason of misconduct due to drug abuse. On 29 January 1988, 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 for a discharge upgrade and contentions that you were young, made a bad decision to use drugs at a party, had outstanding service in the Navy before your misconduct, and now are an upstanding citizen and successful businessperson. 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 NJPs, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact it involved multiple incidents of drug use. Further, the Board noted the record contradicts your assertion that your drug related misconduct was an isolated incident of drug use. Medical records document that you were using cocaine "daily" from August 1987 through October 1987. The Board considered the additional evidence you submitted regarding post-discharge character but concluded that the favorable matters you submitted for consideration were also insufficient to outweigh the severity and nature of your misconduct. 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. 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 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,

7/22/2022

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Executive Director
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