



On 22 November 2000, you were convicted at a General Court-Martial (GCM) of both unauthorized absence, and two (2) separate specifications of either wrongful use, possession, and/or distribution of a controlled substance. You were sentenced to confinement, a reduction in rank to █, forfeitures of pay, and a discharge from the Navy with a Dishonorable Discharge (DD). Following your release from confinement on 19 March 2002, you were placed on appellate leave awaiting your punitive discharge. Upon the completion of GCM appellate review in your case, on 30 March 2004, you were discharged from the Navy with a DD and assigned an RE-4 reentry code.

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: (a) your actions were those of an immature “boy” that had not yet grown into the man you are today, (b) post-service you have never considered using illegal drugs again, and have never been in trouble with the law, (c) post-service you have had a great career, become a mentor within your community, and are heavily involved in your village board, (d) you and your wife teach confirmation class and run the Youth Group program at church, (e) you are looking to remove the ugly stain of a bad decision from your past, (f) one day you would like to take your son hunting but you can’t because the DD prevents you from purchasing a firearm, and (g) you are not looking for VA benefits and you waited a long time before submitting your petition to ensure you had good quality of life records to reflect upon. For purposes of clemency consideration, the Board noted you did not provide supporting documentation describing post-service accomplishments, or 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 NJP and GCM, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact it included two separate drug offenses. Further, the Board unequivocally did not believe that your record was otherwise so meritorious to deserve an upgrade. The Board concluded that significant negative aspects of your conduct and/or performance greatly outweighed any positive aspects of your military record. The Board also determined that your serious misconduct constituted a significant departure from the conduct expected of a Sailor, and that the record clearly reflected your misconduct was intentional and willful and demonstrated you were unfit for further service. Moreover, the Board noted that the evidence of record did not demonstrate that you were not mentally responsible for your conduct or that you should not otherwise be held accountable for your actions.

The Board noted that there is no provision of federal law or in Navy/Marine Corps regulations that allows for a discharge to be automatically upgraded after a specified number of months or years. Lastly, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating veterans’ benefits, or enhancing educational or employment opportunities. Accordingly, the Board determined that there was no impropriety or inequity in your discharge, and concluded that your misconduct and disregard for good order and discipline clearly merited your DD. In the end, the Board concluded that you received the

correct discharge characterization based on the totality of your circumstances, and that such action was in accordance with all Department of the Navy directives and policy at the time of your discharge.

The Board also noted that, although it cannot set aside a conviction, it might grant clemency in the form of changing a characterization of discharge, even one awarded by a court-martial. However, the Board concluded that despite your contentions this is not a case warranting any clemency. You were properly convicted of multiple offenses at a GCM of serious misconduct and the Board did not find any evidence of an error or injustice in this application that warrants upgrading your DD. Therefore, even in light of the Wilkie Memo and reviewing the record holistically, the Board still concluded that, given the totality of the circumstances, your request does not warrant clemency. 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,

7/26/2022

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Signed by █