



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

██████████  
Docket No: 7279-22

Ref: Signature Date

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER ██████████,  
USN, ██████████

Ref: (a) 10 U.S.C. § 1552  
(b) SECDEF memo, "Guidance to Military Discharge Review Boards and  
Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or  
Clemency Determinations," of 25 July 2018

Encl: (1) DD Form 149

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting his record be corrected to upgrade the character of his service.

2. The Board, consisting of ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 26 October 2022 and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, and applicable statutes, regulations, and policies, and reference (b), the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice, or clemency determinations (Wilkie Memo).

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although the enclosure was not filed in a timely manner, it is in the interest of justice to review the application on its merits.

c. Petitioner enlisted in the Navy and commenced a period of active duty on 29 December 1980. On 24 July 1982, Petitioner was notified of the initiation of administrative separation proceedings by reason of drug abuse and frequent involvement with military authorities. On

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USN, [REDACTED]

17 August 1982, Petitioner elected his right to consult with counsel, and elected his right to a hearing before an administrative discharge board (ADB). On 30 August 1982, Petitioner received non-judicial punishment (NJP) for failure obey a lawful regulation by introducing LSD onboard the [REDACTED]. On the same day, Petitioner's commanding officer recommended Petitioner's separation. On 24 November 1982, Petitioner received his second NJP for wrongful possession of marijuana. On 3 December 1982, Petitioner was re-notified of administrative separation, at which point he waived his right to consult with counsel and a hearing before an ADB. On 25 December 1982, the separation authority approved and directed his separation with an Other Than Honorable (OTH) character of service by reason of misconduct due to drug abuse. On 4 January 1983, Petitioner was so discharged.

d. At the time of Petitioner's discharge, he was issued a Certificate of Release or Discharge from Active Duty (DD Form 214). Block 12b. of Petitioner's DD Form 214 erroneously reflects his date of separation as 4 December 1983 vice 4 January 1983.

e. Petitioner believes his punishment is too harsh, and he regrets his actions. Petitioner states he was a good Sailor and his no criminal record. For purposes of clemency and equity consideration, the Board noted Petitioner did not provide supporting documentation describing post-service accomplishments or advocacy letters.

#### CONCLUSION:

Upon review and consideration of reference (b), all the evidence of record, the Board concludes that Petitioner's record warrants partial favorable action.

As explained above, the Board noted that Petitioner's DD Form 214 incorrectly reflects Petitioner's date of separation and requires correction.

Notwithstanding the recommended correction below, the Board concluded insufficient evidence exists to grant his request for a discharge upgrade. The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in Petitioner's case in accordance with the Wilkie Memo. These included, but were not limited to, his desire for a discharge upgrade and the contentions discussed previously. After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that Petitioner's misconduct, as evidenced by his NJPs, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of Petitioner's misconduct and the fact it 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. Further, the Board noted Petitioner was found guilty of drug trafficking on the ship and determined this conduct, more likely than not, had a serious negative effect on the good order and discipline of the command. As a result, the Board concluded Petitioner's conduct constituted a significant departure from that expected of a Sailor and continues to warrant an OTH characterization. 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 Petitioner's characterization of service or granting an upgraded characterization of service as a matter of clemency or equity.

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USN, [REDACTED]

In view of the above, the Board directs the following corrective action.

RECOMMENDATION:

That Petitioner be issued a Correction to DD Form 214, Certificate of Release or Discharge from Active Duty (DD Form 215) which reflects correction of Petitioner's date of separation to 4 January 1983 along with any necessary changes to corresponding data in Block 12.

That a copy of this Report of Proceedings be filed in Petitioner's Naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above-entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of the reference, has been approved by the Board on behalf of the Secretary of the Navy.]

11/18/2022

[REDACTED]

Executive Director

[REDACTED]