

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]
[REDACTED]

e. On 3 October 1983, Petitioner was notified that he was being recommended for administrative discharge from the Navy by reason of misconduct due to drug abuse. Petitioner was advised of, and waived his procedural right to consult with military counsel, and to present his case to an administrative discharge board (ADB).

f. Petitioner's commanding officer (CO) forwarded the administrative separation package to the separation authority (SA) recommending that Petitioner be administratively discharged from the Navy with an Other Than Honorable (OTH) characterization of service. The SA approved the recommendation for administrative discharge and directed Petitioner's OTH discharge from the Navy.

g. On 21 October 1983, Petitioner was discharged from the Navy with an OTH characterization of service by reason of misconduct due to drug abuse.

h. Petitioner previously applied to this Board for an upgrade to his characterization of service. Petitioner was denied relief on 4 January 1996. In addition, Petitioner was denied reconsideration on 10 November 1998 due to lack of new evidence. Before this Board's denial, Petitioner applied to the Naval Discharge Review Board (NDRB) for a discharge upgrade. The NDRB denied Petitioner's request for an upgrade, on 4 February 1986, based on their determination that his discharge was proper as issued.

i. Through counsel, Petitioner contends that granting the requested relief is essential to removing the injustices in his service record. While Petitioner admits to his misconduct and expresses remorse for his action, he argues that since his discharge he has attained both a Bachelor's and Master's degree in counseling, and now serves as a Substance Abuse Clinician. With over 30 years of sobriety, he devotes his life to helping others struggling with substance abuse and have saved countless lives through his counseling and ministry.

j. The Board noted Petitioner provided supporting documentation in the form of excerpts from his official military personnel file (OMPF), post service accomplishments, and advocacy letters.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that, given the totality of his circumstances, Petitioner's request merits partial relief.

The Board concluded that Petitioner's OMPF be reviewed and that his DD Form 214 accurately reflect all primary specialties, decorations, medals, badges, citations, campaign ribbons awarded, and military education based on his period of service from 4 September 1981 to 21 October 1983.

Subj: REVIEW OF NAVAL RECORD OF FORMER [REDACTED]
[REDACTED]

With regard to Petitioner's request for an upgrade of his characterization of service and other changes to his record related to his misconduct, the Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in Petitioner's case in accordance with reference (b). The Board found no error in Petitioner's OTH characterization of service discharge for separation for misconduct due to drug abuse.

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 involved a drug offense. The Board 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. Additionally, 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 the likely negative effect Petitioner's misconduct had on the good order and discipline of his command. Furthermore, there is no precedent within this Board's review, for minimizing an isolated incident. As with each case before the Board, the seriousness of a single act must be judged on its own merit, it can neither be excused nor extenuated solely on its isolation. Therefore, the Board concluded Petitioner's conduct constituted a significant departure from that expected of a service member and continues to warrant an OTH characterization. Further, the Board found that his reason for separation also remains appropriate. While the Board carefully considered the mitigation evidence provided by Petitioner in support of his application and commends him for his post-service accomplishments and sobriety, 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 granting Petitioner the relief he requested or granting relief as a matter of clemency or equity. Ultimately, the Board concluded the mitigation evidence Petitioner provided was insufficient to outweigh the seriousness of his misconduct. Accordingly, given the totality of the circumstances, the Board determined Petitioner's requests related to his misconduct did not merit relief.

RECOMMENDATION:

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action:

Petitioner be issued a Correction to DD Form 214, Certificate of Release or Discharge From Active Duty (DD Form 215) indicating Petitioner's primary specialty, all decorations, medals, badges, citations, campaign ribbons awarded, and military education, based on his period of service from 4 September 1981 to 21 October 1983.

That no further changes be made to Petitioner's record.

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.

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[REDACTED]

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 Regulations, 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 reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

3/7/2023

[REDACTED]

Executive Director
[REDACTED]