



You reenlisted in the Navy and began a period of active duty on 15 January 1987. On 26 March 1987, you received another NJP for wrongful use of a controlled substance-amphetamine/methamphetamine. On 13 April 1987, your Counseling and Assistance Center (CAAC) drug and alcohol evaluation indicated that you were not dependent on drugs and alcohol due to your limited disclosures. You were recommended for Level II counseling, urinalysis surveillance, and alcoholic/narcotics anonymous counseling. On 23 July 1987, you tested positive for use of a controlled substance-cocaine. On 8 September 1987, you were diagnosed by a medical officer with alcohol and substance dependence.

On 3 November 1987, you were notified of the initiation of administrative separation proceedings by reason of misconduct due to commission of a serious offense, drug abuse, and rehabilitation failure. On 5 November 1987, you requested an Administrative Discharge Board (ADB) hearing. On 24 November 1987, the ADB voted (3) to (0) that you committed misconduct due to rehabilitation failure, misconduct due to commission of a serious offense, and misconduct due to drug abuse. On 15 December 1987, your commanding officer recommended an Other Than Honorable (OTH) discharge characterization of service by reason of misconduct due to drug abuse rehabilitation failure, misconduct due to commission of a serious offense, and misconduct due to drug abuse. On 25 December 1987, the separation authority approved and ordered an OTH discharge characterization by reason of misconduct due to drug abuse. On 8 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: (a) you were a mess in the 80's and needed to clean up your life, (b) you have been employed since 1982 with jobs that you have kept for five-plus years, (c) you have never been arrested or involved in any trouble since 1982, (d) you are a college graduate with two bachelors in business management and administration. For purposes of clemency and equity consideration, the Board noted you did not provide supporting documentation describing post-service accomplishments or advocacy letters.

After thorough 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 included a drug offense. The Board determined that illegal drug use by a service member is contrary to military core values and policy, renders such members unfit for duty, and poses an unnecessary risk to the safety of their fellow service members. In addition, the Board considered the likely negative impact it had on the good order and discipline of your unit. Finally, the Board noted that you provided no evidence to substantiate your contentions. As a result, the Board concluded your conduct constituted a significant departure from that expected of a service member and continues to warrant an OTH characterization. While the Board commends your post-discharge success 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 you the relief you requested or granting relief as a matter of clemency or equity. 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,

5/26/2023

