



“Misconduct, Due to Drug Abuse,” your reentry code is “RE-4,” and your separation code is “HKK,” which corresponds to misconduct, due to drug abuse.

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 to upgrade your OTH to a General (Under Honorable Conditions) (GEN) or Honorable (HON) discharge, and your contentions that: (1) you took Adderall, a leftover prescription, without realizing it contained amphetamines, (2) you had been prescribed Adderall, which you now know contains amphetamines, for ADHD since age 13, (3) you were prescribed Adderall during part of your naval service, and (4) had you been aware Adderall contained a controlled substance, you would not have taken it. For purposes of clemency and equity consideration, the Board noted you provided two copies of your DD Form 214, and a personal statement, but no evidence of a past ADHD diagnosis or Adderall prescription. Apart from your own statement, you also 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 your misconduct, as evidenced by your NJP, 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. The Board also considered the negative impact your conduct likely had on the good order and discipline of your unit. Therefore, the Board concluded your discharge was proper and equitable under standards of law and discipline, and that the discharge accurately reflects your conduct during your period of service, which was terminated by your OTH. 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. 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 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,

1/9/2024

[REDACTED]  
Executive Director

Signed by: [REDACTED]