



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

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Docket No: 10068-19
Ref: Signature Date

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Dear █

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. After careful and conscientious consideration of the entire record, the Board for Correction of Naval Records (Board) found the evidence submitted was insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 9 October 2020. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record, and applicable statutes, regulations and policies.

You enlisted in the Navy on 13 August 1985. On 6 March 1987, you received nonjudicial punishment for wrongful use of marijuana. Subsequently, you were notified of pending administrative separation action by reason of misconduct due to drug abuse. After you waived your rights, your Commanding Officer (CO) recommended you be discharged with an other than honorable (OTH) characterization of service due to misconduct. The discharge authority approved this recommendation and directed discharge with an OTH characterization of service by reason of misconduct due to drug abuse. On 18 March 1987, you received an OTH discharge.

Your request for a change to your characterization of service was reviewed in consideration of your contention you were suffering from emotional stress due to the death of your grandfather and used marijuana to "deal with the stress of the emotional disconnection I was feeling." Your request was fully and carefully considered by the Board in light of the Secretary of Defense's 3 September 2014 memorandum, "Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Requested by Veterans Claiming Post

Traumatic Stress Disorder,” of the 25 August 2017 memorandum “Clarifying Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Considering Requests by Veterans for Modification of their Discharge Due to Mental Health Conditions, Sexual Assault, or Sexual Harassment,” and the 25 July 2018 memorandum, “Guidance to Military Discharge Review boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations.”

The Board carefully reviewed your application, weighed all potentially mitigating factors, and considered your contention that you were self-medicating due to the emotional stress you were experiencing. The Board also considered your voluntary admission of marijuana use and your refusal to admit to a drug problem and participate in counseling. The Board also considered your contention that your CO, knowing your family’s military history and background in the Navy, directed you to write a letter to your father explaining what had happened. Because it was a very personal letter, you did not share the letter with your CO prior to mailing it, and you contend your CO became “infuriated” and told you to “get out of his office” when you explained that you mailed it. You contend that within an hour, you were told to “pack my sea bag,” all uniforms were confiscated, and you were escorted to the gate, handed your last paycheck, had your military identification card cut in half, and told “son, you are out of the military.” The Board also considered your contention that, since your discharge, you have maintained a “very clean record,” earned several technical certifications, and received a license and certification for selling insurance. You further contend “this discharge is the only harsh mark on my record.” Lastly, the Board considered your remorse for not participating in counseling because you were a “stubborn headed kid who was just not willing to listen to sound advice.” The Board noted you did not provide any post-service documentation or advocacy letters in support of your request for an upgraded characterization of service. Unfortunately, after careful consideration of your contentions, the Board did not find evidence of an error or injustice that warrants upgrading your characterization of service or sufficient evidence to warrant clemency. Even under the liberal consideration standard, the Board found your misconduct warranted an OTH characterization of service.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. 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,

12/13/2020

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Executive Director

Signed by: █