



labor for fifteen years, and a Dishonorable Discharge (DD). The GCM Convening Authority (CA) reduced your confinement to seven years in exchange for your guilty plea. The Naval Clemency and Parole Board further reduced your sentence to five years of confinement. Subsequently, the findings and sentence in your SPCM were affirmed and you were issued a DD on 13 December 1986. On 4 June 1987, the Secretary of the Navy approved your parole for 1 August 1987.

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 change your discharge characterization of service and your contentions that you are need of veterans' benefits, you earned two previous Honorable discharges, and that times have changed and the nature of your infractions deserves reconsideration. Additionally, the Board noted you checked the "PTSD" box on your application but chose not to respond to the 4 December 2023 letter from the Board requesting evidence in support of your claim. 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 your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your GCM, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact that it not only involved a drug offense, but also included the distribution of drugs. The Board determined that illegal drug use and distribution 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 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.

The Board considered your contention that you had received two prior Honorable discharges and should be given consideration for your service prior to the misconduct for which you were given a DD. 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 based on previous or subsequent good conduct. However, the Board noted your record of misconduct also included two driving under the influence of alcohol offenses. Therefore, the Board was not persuaded by your argument that you made only one mistake. Further, the Board considered the fact that you were a senior non-commissioned officer to be further aggravation of your offense. The Board also considered the clemency you already received with respect to the reduction of your initial fifteen-year confinement sentence. Finally, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating veterans' benefits or enhancing educational or employment opportunities.

As a result, the Board concluded your conduct constituted a significant departure from that expected of a service member and continues to warrant a DD. 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.

In reviewing your record, the Board believes that you may be eligible for veterans' benefits which accrued during your prior periods of Honorable service. However, your eligibility is a matter under the cognizance of the Department of Veterans Affairs (VA). In this regard, you should contact the nearest VA office concerning your rights; specifically, whether you are eligible for benefits based on your prior periods of Honorable service.

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,

7/2/2024

