



disciplinary action and in processing for administrative discharge. On 2 October 1985, you were released from IADT. On 7 May 1986, your Reserve Retirement Credit Report for the period 8 May 1985 to 7 May 1986 indicated a satisfactory year with one-hundred-sixty-three active-duty points and twenty-one drill points.

On 2 February 1987, your command received notification of positive urinalysis for Tetrahydrocannabinol (THC), and you received NJP for wrongful possession of a controlled substance on 22 February 1987. Consequently, on 6 March 1987, you were notified of pending administrative separation processing with an Under Other Than Honorable conditions (OTH) discharge by reason of misconduct due to drug abuse. You subsequently waived your right to have your case heard by an administrative discharge board (ADB). On 7 May 1987, your Reserve Retirement Credit Report for the period 8 May 1986 to 7 May 1987 indicated an unsatisfactory year with zero active-duty points and thirty-four drill points. On 13 May 1987, the Separation Authority directed your discharge with an OTH characterization of service, and you were so discharged on 19 May 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 of water contamination and medical misdiagnosis. 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 NJPs, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact it involved 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 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. Finally, the Board noted you provided no evidence, other than your personal statement and documentation of a non-seasonal rhinitis diagnosis, 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 carefully considered the evidence you submitted in mitigation, 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. Ultimately, the Board concluded the mitigation evidence you provided was insufficient to outweigh the seriousness of your misconduct. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

As a part of the Caring for █ Families Act of 2012, qualifying Veterans can receive all their health care (except dental care) from █ if they served on active duty at Camp Lejeune for at least 30 days between August 1, 1953 and

December 31, 1987. The Board recommends you contact your nearest VA office to determine your eligibility for care.

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,

4/8/2024

