

months and RIR to the paygrade of E-4. You were issued an administrative remarks (Page 13) retention warning formally counseling you concerning deficiencies in your performance and conduct. The Page 13 expressly advised you that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative separation.

On 24 February 1984, you were admitted for Level III alcohol treatment. You subsequently completed this treatment on 3 April 1984 with a diagnosis of alcoholism and continuous habitual drinking with drug abuse. On 16 May 1984, you received a third NJP for absence from your appointed place of duty. As punishment, you were awarded forfeiture of \$50 ppm for two months (suspended). On 13 August 1984, you were convicted by a summary court-martial (SCM) of failure to obey a general regulation, to wit: Article 7701.26, U.S. Navy Uniform Regulation, by failing to wear the proper under garments while in your Summer Dress White Uniform.

Consequently, you were notified that you were being recommended for administrative discharge from the Navy by reason of misconduct due to pattern of misconduct, drug abuse, and alcohol abuse rehabilitation failure. You elected your procedural right to consult with military counsel and to present your case to an administrative discharge board (ADB). On 23 August 1984, an ADB was convened and determined that the preponderance of the evidence supported a finding of misconduct. The ADB recommended that you be separated from the Navy with an Other Than Honorable (OTH) characterization of service. Ultimately, the separation authority directed your administrative discharge from the Navy with an OTH character of service by reason of misconduct due to drug abuse. On 19 September 1984, 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 to upgrade your discharge character of service and restore your paygrade to E-5. The Board considered your contentions that: (1) you received a good conduct medal and were discharged less than a month later, (2) you did not get into any trouble between the receipt of your GCM and the failure of your urinalysis test, and (3) your failed urinalysis test has since been found to be unreliable. For purposes of clemency and equity consideration, the Board considered the documentation you provided in support of your application.

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 and SCM, 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. Further, the Board also determined that the evidence of record did not demonstrate that you were not responsible for your conduct or that you should otherwise not be held accountable for your actions. You were provided opportunities to correct your conduct deficiencies during your service; however, you continued to commit additional misconduct. Your conduct not only showed a pattern of misconduct but were sufficiently serious to negatively affect the good order and discipline of your command. Finally, the Board discerned

no impropriety or inequity in your paygrade at the time of your discharge, and noted that you did not provide any evidence, other than your statement, to substantiate your contention that you were wrongfully reduced in paygrade.

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 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,

7/10/2024

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Executive Director

Signed by: ■