



performance and/or conduct may result in disciplinary action and in processing for administrative discharge.

On 10 September 1994, you commenced a period of UA, during which you missed ship's movement and were declared a deserter, that ended in your surrender on 14 October 1994. On 21 October 1994, you received NJP for UA, missing ship's movement, and wrongful use of a controlled substance.

Consequently, 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 and pattern of misconduct. You waived your rights to consult counsel, submit a statement, or have your case heard by an administrative discharge board (ADB). The Separation Authority directed your discharge with an OTH characterization of service by reason of misconduct – drug abuse (use). On 6 December 1994, you received NJP for disobeying a lawful order. Ultimately, you were discharged with an OTH characterization of service on 8 December 1994.

Post-discharge, you applied to the Naval Discharge Review Board (NDRB) for a discharge upgrade. The NDRB denied your request for an upgrade, on 11 December 2008, based on their determination that your discharge was proper as issued.

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 were young and impressionable and believe that your discharge status is an incomplete reflection of your time in the Navy. For purposes of clemency and equity consideration, the Board considered your statement and the advocacy letters that describe post-discharge accomplishments.

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 also considered the likely negative impact your repeated misconduct had on the good order and discipline of your command. Finally, the Board noted that you were given multiple opportunities to address your conduct issues, but you continued to commit misconduct, which ultimately led to your discharge.

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 and commends your post-discharge accomplishments, 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.

In reviewing your record, the Board believes there is an error on your Certificate of Release or Discharge from Active Duty (DD Form 214). Your narrative reason for separation is "Misconduct – Commission of a Serious Offense," however your separation code is "HKK," which corresponds to Misconduct - Drug Abuse. You are entitled to have your DD Form 214 corrected to reflect the approved narrative reason for separation, which is "Misconduct – Drug Abuse." Because this correction could put you in a less-favorable position than you were prior to the Board, the Board chose to allow you to decide if you would like the record corrected. If you choose to have your DD Form 214 corrected, please send your request, with a copy of this letter, to Navy Personnel Command (NPC) at the My Navy Career Center Customer Service at 1-833-330-6622 or email at askmncc@navy.mil.

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,

6/27/2024

