



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

██████████  
Docket No. 5170-24

Ref: Signature Date

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER ██████████,  
USN, XXX-XX-██████████

Ref: (a) 10 U.S.C. § 1552  
(b) USECDEF Memo, 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 with attachments  
(2) Case summary

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting his characterization of service be upgraded and his date of entry on DD Form 214 be corrected. Enclosures (1) and (2) apply.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 21 August 2024, and, pursuant to its regulations, determined the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner's naval service records, and applicable statutes, regulations, and policies to include reference (b).

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although enclosure (1) was not filed in a timely manner, the statute of limitation was waived in the interests of justice.

c. Petitioner enlisted in the U.S. Navy and began a period of active duty on 19 January 1982. Petitioner subsequently completed this enlistment Honorably on 16 January 1986 and immediately reenlisted.

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED],  
USN, XXX-XX-[REDACTED]

d. On 21 March 1986, Petitioner received non-judicial punishment (NJP) for disrespectful in department toward a superior petty officer. Then, on 16 April 1987, Petitioner received his second NJP for wrongful use of cocaine.

e. Consequently, the Petitioner was notified of administrative separation processing for misconduct due to drug abuse. The Commanding Officer (CO) made his recommendation to the Separation Authority (SA) that he be discharged with an Other Than Honorable (OTH) characterization. The SA accepted the recommendation and directed the Petitioner be discharged for drug abuse. Petitioner was so discharged on 4 June 1987. Upon his discharge, he was issued a DD Form 214 that indicated his active duty start date as 17 January 1986 and documents his previous period of active duty. However, the Board found no record of a DD Form 214 from his first enlistment.

f. Petitioner contends that his active duty start date is wrong and should be changed to 19 January 1982. Petitioner also contended that he can't explain the substance found in his urine sample and states it was not ingested knowingly. For purposes of clemency and equity consideration, the Board noted the Petitioner provided documentation describing post-service accomplishments and an advocacy letter.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's record warrants partial relief. Specifically, the Board determined Petitioner's DD Form 214 contains errors and requires correction.

Notwithstanding the below recommended corrective action, the Board concluded insufficient evidence exists to support Petitioner's request for an upgrade in characterization of service. The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in Petitioner's case in accordance with the Wilkie Memo. These included, but were not limited to, Petitioner's desire for a discharge upgrade and his contention that he innocently ingested cocaine.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. In making this finding, the Board considered the seriousness of his misconduct and the fact it included 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. Additionally, the Board observed that Petitioner provided no evidence, other than his statement, to substantiate his contention of innocent ingestion. Therefore, the Board determined the presumption of regularity applies in his case.

As a result, the Board concluded Petitioner's 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 Petitioner provided in mitigation, even in light of the Wilkie Memo and reviewing the record holistically, the Board did not find evidence of an error

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED],  
USN, XXX-XX-[REDACTED]

or injustice that warrants granting Petitioner a discharge upgrade or granting him an upgrade as a matter of clemency or equity.

RECOMMENDATION:

In view of the above, the Board directs the following corrective action:

Petitioner be issued a Correction to DD Form 214, Certificate of Release or Discharge from Active Duty (DD Form 215), for the period ending 14 June 1987, indicating the following changes:

Block 12a. "19 January 1982"

Block 12c. "05, 03, 15"

Block 12d. "00, 00, 00"

Block 18. "CONTINUOUS HONORABLE ACTIVE SERVICE FROM 820119 UNTIL 860116."

No further changes be made to Petitioner's record.

A copy of this report of proceedings be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

9/12/2024

[REDACTED]

Executive Director

Signed by: [REDACTED]