



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

██████████  
Docket No. 8364-24  
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 25 November 2024. The names and votes of the panel members will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application together with all material submitted in support thereof, relevant portions of your naval record, and applicable statutes, regulations, and policies, to include the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice, or clemency determinations (Wilkie Memo).

You enlisted in the Navy for four years and commenced active duty on 22 July 1997. Later, you signed an agreement to extend your enlistment for 24 months. On 9 April 1998, you received non-judicial punishment (NJP) for underage drinking. Additionally, you were issued an administrative remarks (Page 13) counseling concerning deficiencies in your performance and/or conduct. You were advised that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative discharge. On 16 November 1999, you were issued a second Page 13 counseling regarding alcohol dependency and your requirement to successfully complete an alcohol rehabilitation program (intensive outpatient treatment for alcohol dependence) to include one year of monitored aftercare. On 20 January 2000, your record reflects you completed a Comprehensive Full Time treatment program for substance dependence at Naval Medical Center, ██████████.

On 3 April 2001, you received NJP for unauthorized absence (UA), for failure to go to your appointed place of duty. On 3 April 2002, you were convicted at Summary Court-Martial (SCM) of violating Article 112a of the Uniform Code of Military Justice (UCMJ), for use of methamphetamines. You were sentenced to reduction to paygrade E1 and forfeiture of two thirds pay per month for a period of one month. Additionally, on 23 April 2002 and 29 April 2002, you were issued Page 13's documenting your UA for 30 minutes for overstaying liberty and for UA of 20 minutes, respectively.

Subsequently, you were notified of administrative separation processing for misconduct due to drug abuse. You waived your rights in relation to the separation process, including your right to counsel with counsel and to request an administrative discharge board, and were discharged with an Other Than Honorable (OTH) characterization of service on 24 July 2002.

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 characterization of service and change your narrative reason for separation to Secretarial Authority, with corresponding change to your reentry code. You further request correction of your DD Form 214 to reflect that you earned ESWS and EAWS pins, a Navy Unit Commendation Medal (NUC), and a Navy Battle E Ribbon (Battle E). The Board additionally considered your contentions that you were stigmatized by your OTH characterization of service, and you have furthered yourself by receiving higher education and earning multiple professional certifications. You state you have served as a paramedic and a corrections officer. You further state you accept full responsibility for your misconduct and deeply regret your actions. You state it has been 22 years since your discharge, during which time you have been consistently employed and actively involved in your community. You contend it would be an injustice to allow your discharge to haunt and hinder you for the rest of your life. For purposes of clemency and equity consideration, the Board considered the documentation you provided in support of your application, including your legal brief with exhibits.

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 SCM and two NJPs, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and that 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 further noted you were given multiple opportunities to perform as expected but continued to commit misconduct; which led to your OTH 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. Although the Board carefully considered the evidence you provided in mitigation and commends you for your post-service 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. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

Regarding your request for correction of your DD Form 214 to include the ESWS and EAWS pins, in addition to a NUC and Battle E, the Board found no evidence in your Official Military Personnel Record establishing your entitlement to these awards. In addition, the Board found no evidence you exhausted your administrative remedies by requesting an administrative change through Navy Personnel Command. Therefore, the Board took no action on this aspect of your application. However, should a subsequent request to Navy Personnel Command be denied, the Board encourages you to reapply to this Board with proper supporting evidence.

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,

1/6/2025

