

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

procedural right, to consult with military counsel, and to present his case to an administrative discharge board.

e. The commanding officer (CO) forwarded the administrative separation package to the separation authority (SA) recommending Petitioner be assigned an Other Than Honorable (OTH) characterization of service. The SA approved the recommendation for administrative discharge and directed Petitioner's OTH discharge from the Navy by reason of misconduct due to drug abuse. On 18 September 1996, Petitioner was so discharged. Petitioner's Certificate of Release or Discharge from Active Duty (DD Form 214) did not reflect his previous period of continuous Honorable service.

f. Petitioner contends that he was a good Sailor and War Veteran and that things started to "get out of hand." He began having family issues that created problems for him onboard the [REDACTED] and he felt isolated and alone and did not know how to ask for help.

CONCLUSION

Upon careful review and consideration of all of the evidence of record, the Board determined that Petitioner's request warrants partial relief. Specifically, the Board noted Petitioner has a period of continuous Honorable service from "17 August 1987 – 13 August 1992." The Board determined Petitioner's DD Form 214 fails to document this period of service. Applicable regulations authorize the language "Continuous Honorable Active Service" in Block 18 (Remarks) of the DD Form 214, when a service member has previously reenlisted without being issued a DD Form 214, and was separated with a discharge characterization except "Honorable." As a result, the Board determined Petitioner's naval record shall be corrected to reflect his continuous Honorable active service.

Notwithstanding the recommended corrective action below, the Board found no error in Petitioner's OTH characterization of service discharge for separation due to drug abuse. 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 the previously mentioned contentions raised by Petitioner in his application.

After thorough review, the Board concluded Petitioner's potentially mitigating factors were insufficient to warrant granting the requested relief. In making this finding, the Board considered the seriousness of Petitioner's 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. Additionally, the Board noted that illegal drug use in any form is still against Department of Defense regulations and not permitted for recreational use while serving in the military. The Board also considered the likely negative impact Petitioner's conduct had on the good order and discipline of his command. Further, the Board found that Petitioner's misconduct was intentional and made him unsuitable for continued naval service. Furthermore, the Board noted that Petitioner did not provide any evidence, other than his statement, to substantiate his contentions.

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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. Even considering the Wilkie Memo and reviewing the record holistically, the Board did not find evidence of an error or injustice that warrants granting Petitioner the relief he requested or granting the requested relief as a matter of clemency or equity.

RECOMMENDATION:

In view of the above, the Board recommends that the following corrective action be taken on Petitioner's naval record in the interests of justice:

Petitioner shall be issued a Correction to DD Form 214, Certificate of Release or Discharge from Active Duty (DD Form 215), for the period ending 18 September 1996, with correction to the Remarks Section, Block 18, annotating "Continuous Honorable Active Service: "17 August 1987 to 13 August 1992."

That no further changes be made to Petitioner's record.

That a copy of this record of proceedings be filed in Petitioner's naval record.

4. It is certified that 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 Regulations, 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.

10/22/2024

[REDACTED]

Executive Director

Signed by: [REDACTED]