



Ref: Signature Date

You enlisted in the Navy and began a period of active duty on 31 January 1979. On 21 August 1979, you began a period of unauthorized absence (UA) which lasted 285 days and resulted in your conviction by special court martial (SPCM) on 28 July 1980. You were sentenced to confinement at hard labor for a period of three months. On 10 January 1981, you received nonjudicial punishment (NJP) for violation of a general order by being in possession of a controlled substance-marijuana and hashish. On 2 March 1981, you began a second period of UA which lasted 11 days. On 19 March 1981, you received a second NJP for the period of UA and wrongful appropriation. On 6 April 1981, you began a third period of UA which lasted 289 days and resulted in your apprehension by civil authorities. On 19 January 1982, you were convicted

by civil authorities for failure to appear in court, drunk in public, and two counts of possession of marijuana. On 12 February 1982, you were convicted by SPCM for your period of UA. You were sentenced to a Bad Conduct Discharge (BCD), confinement at hard labor, and forfeiture of pay. After completion of all levels of legal review, you were so discharged on 10 January 1986.

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 for a discharge upgrade. Additionally, the Board noted you checked the "PTSD" box on your application but chose not to respond to the Board's request for supporting evidence of your claim. For purposes of clemency and equity consideration, the Board noted you did not provide supporting documentation describing post-service accomplishments or advocacy letters.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your NJPs, SPCMs, and civil conviction outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your 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. The Board noted that marijuana use in any form is still against Department of Defense regulations and not permitted for recreational use while serving in the military. Further, the Board found that your conduct showed a complete disregard for military authority and regulations. Your conduct not only showed a pattern of misconduct but was sufficiently pervasive and serious to negatively affect the good order and discipline of your command.

As a result, the Board concluded your conduct constituted a significant departure from that expected of a service member and continues to warrant a BCD. 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.

You are entitled to have the Board reconsider its decision upon the 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,

1/20/2025

