



[REDACTED]

[REDACTED]

[REDACTED]

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.

You enlisted in the United States Navy and began active duty on 11 March 2003. On 28 December 2004, you received non-judicial punishment (NJP) for unauthorized absence. On 8 August 2005, you tested positive for marijuana (THC) resulting in your second NJP for wrongful use of marijuana. Consequently, you were notified that you were being recommended for administrative discharge by reason of misconduct due to drug abuse and pattern of misconduct. After you waived your rights, your commanding officer forwarded your administrative separation package to the separation authority recommending an Other Than Honorable (OTH) characterization of service. The separation authority accepted the recommendation and, you were so discharged on 10 November 2005.

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 discharge character of service and

contentions that: (1) you were suffering from anxiety and high stress which impacted your mental state due to quality of life changing medical conditions with your active guardian, (2) you were in service during active war time which compounded your level of stress and anxiety, (3) you were unaware that you were able to request a discharge upgrade and, (4) your discharge was due to marijuana usage which is now medically used to treat anxiety. Additionally, the Board observed that you checked the "Other Mental Health" box on your application but chose not to submit any supporting evidence of your claim. For purposes of clemency and equity consideration, the Board noted that you did not provide documentation in support of your application.

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 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. Additionally, the Board noted that you were provided opportunities to correct your conduct deficiencies during your service but you continued to commit additional misconduct; which led to your OTH discharge. 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. Finally, the Board noted you provided no evidence, other than your statement, to substantiate your contentions.

As a result, the Board determined that there was no impropriety or inequity in your discharge and concluded that your misconduct and disregard for good order and discipline clearly merited your discharge. 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 your request does not merit relief.

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,

3/7/2025

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Executive Director

Signed by: ■