

Than Honorable (OTH) character of service. The commanding officer forwarded your administrative separation package to the separation authority concurring with the findings of the administrative board. In the meantime, you received NJP for failure to go to your appointed place of duty, willfully disobeying an order, destroying government property, and making a false statement. On 15 March 1991, you were found not to be dependent on drugs or alcohol. Ultimately, the separation authority directed your OTH discharge from the Navy by reason of misconduct due to drug abuse and you were so discharged on 26 April 1991.

The Board carefully considered all potentially mitigating factors in your petition to determine whether the interests of justice warrant relief in your case including 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 request to upgrade to an administrative discharge due to unjustified protocol based on bias allegations to damage and disrupt your life, (2) you entered the military to take care of your family, (3) you had waivers that verified that there were no felony convictions or incarcerations involved, (4) there was a drill onboard █ and upon leaving the head, you were confronted by a Marine that said he smelled alcohol on you, (5) you were ordered to captain's mast and awarded punishment, (6) you were questioned about convictions and, again, it verified through waivers, (7) every time there was a violation to enforce, it was out to sea, and you had no legal representation, (8) you were feeling unsafe and in fear of your life, (9) you were groomed to be incarcerated by restrictions to ship and jail cells while on deployment, (10) after being released from the military, you continued a path of incarceration because that was what you were groomed to endure, and (11) your rights were violated very time the ship was deployed. Additionally, the Board noted you checked the "PTSD" and "Other Mental Health" boxes on your application but did not respond to the Board's request for evidence in support of your claims. For purposes of clemency and equity consideration, the Board noted that you did not provide documentation describing post-service accomplishments or advocacy letters.

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 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 observed you were given multiple opportunities to correct your conduct deficiencies but chose to continue to commit misconduct, which led to your OTH discharge. Further, the Board found that your misconduct was intentional and made you unsuitable for continued naval service. 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. Based on your record, the Board determined there was no error or injustice with your multiple NJPs¹ and administrative separation.

¹ The Board noted that the Manual for Court-Martial does not require legal representation at NJP proceedings. Additionally, under Article 15, Uniform Code of Military Justice, a service member has no right to demand a trial by court-martial when "attached to or embarked in a vessel."

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,

3/10/2025

