



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) weren't aware that you had a mental health condition when you joined the military, (2) while in the Navy your drinking and drug use got progressively worse as a result of your mental health condition, (3) you told your supervisors that you obviously had a problem but you were in IT school and nothing came of it, (4) You were never given the opportunity to rehabilitate, and after you failed a drug test you were discharged, (5) you have been sober for 16 years now and you would like to request that your discharge be upgraded to Honorable, (6) you've always been proud to be a veteran but the shame that you feel has stayed with you, (7) You are active in AA and helping others get sober, (8) you didn't realize that mental health concerns were a reason you could appeal, and (9) a petty officer in your division failed a drug test a few months before you and lost rank but you were discharged. The Board also noted you checked the "Other Mental Health" box on your application but chose not to provide any evidence in support of your claim. For purposes of clemency and equity consideration, the Board considered the totality of your application, which consisted solely of what you stated on your DD Form 149 without any additional documentation for the Board's consideration.

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 NJP, 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 also considered the likely negative effect your misconduct had on the good order and discipline of your command. Further, the Board found that your misconduct was intentional and made you unsuitable for continued naval service. Furthermore, the Board also determined that the evidence of record did not demonstrate that you were not responsible for your conduct or that you should otherwise not be held accountable for your actions. Finally, regulatory guidelines state a command is under no obligation to send a servicemember to drug rehabilitation treatment unless it was determined, by competent medical authority, that the servicemember is drug dependent. There is no documentation in the record that shows you were drug dependent.

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. While the Board commends you for your post-discharge sobriety, 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,

3/12/2025

