



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

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Docket No. 11229-24

Ref: Signature date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER ■■■■■■■■■■, USN,
XXX-XX-■■■■■

Ref: (a) Title 10 U.S.C. §1552
(b) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149
(2) Case Summary

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board) requesting his record be corrected from entry level separation to honorable characterization.

2. The Board, consisting of ■■■■■■■■■■, ■■■■■■■■■■, and ■■■■■■■■■■, reviewed Petitioner's allegations of error and injustice on 19 February 2025 and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, applicable statutes, regulations, and policies, to include reference (b).

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. Although Petitioner's application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider the case on its merits.

b. Petitioner enlisted in the Navy and began a period of active duty on 11 July 1988. After completing this period of service honorably on 30 July 1991, he immediately reenlisted on 31 July 1991. On 7 February 1995, he received non-judicial punishment (NJP) for wrongful use of a controlled substance. Consequently, he was notified of administrative separation by reason of misconduct, drug abuse. After waiving all rights, his commanding officer forwarded his separation package to the separation authority recommending an Other Than Honorable (OTH) characterization of service. As a result of the foregoing, the separation authority approved and ordered that Petitioner be separated from the Navy on 13 March 1995 with an OTH characterization of service by reason of misconduct, drug abuse. On the same date, Petitioner

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was so discharged. Upon his discharge, he was issued a DD Form 214 that did not annotate his period of continuous Honorable service from 11 July 1988 to 30 July 1991.

c. Petitioner contends that he thought his discharge would be upgraded because he did not violate any Uniform Code of Military Justice (UCMJ) regulations. He claims to have proudly served his country and held multiple demanding positions. He attended a gathering and regrettably smoked marijuana. He feels the OTH designation is extreme given the nature of his infractions.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board concludes Petitioner's request warrants partial relief. As previously explained, the Board noted that Petitioner's DD Form 214 does not annotate his previous period of continuous Honorable service and requires correction.

Notwithstanding the recommended corrective action below, the determined Petitioner's record is otherwise correct. 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, his desire for a discharge upgrade and his previously discussed contentions.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that Petitioner's misconduct, as evidenced by his NJP, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of his 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. Further, the Board noted, contrary to Petitioner's contention, he was found guilty at NJP for his violation of the UCMJ.

As a result, the Board determined that there was no impropriety or inequity in Petitioner's discharge and concluded that his misconduct and disregard for good order and discipline clearly merited his 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 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 directs the following corrective action:

That Petitioner be issued a Correction to DD Form 214, Certificate of Release or Discharge from Active Duty (DD Form 215), for the period ending 13 March 1995, to reflect the following comment added to the Block 18 Remarks section:

“CONTINUOUS HONORABLE SERVICE FROM 11JUL1988 TO 30JUL1991.”

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XXX-XX-[REDACTED]

No further changes be made to Petitioner's record.

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

4. It is certified that a 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 Regulation, 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.

3/19/2025

