



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

██████████
Docket No. 11529-24
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. 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.

Although your 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 your application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 24 February 2025. The names and votes of the panel members will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of the Board. Documentary material considered by the Board consisted of your application together with all material submitted in support thereof, relevant portions of your naval record, applicable statutes, regulations, and policies, to include the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice or clemency determinations (Wilkie Memo).

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issue(s) involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You enlisted in the Navy and began a period of active duty on 26 October 1979. Upon your enlistment, you were granted a waiver for preservice arrest and drug abuse. On 17 March 1980, you began a period of unauthorized absence (UA) which lasted 42 days and resulted in your conviction by summary court martial (SCM) on 20 June 1980. You were sentenced to confinement at hard labor and forfeiture of pay. On 9 December 1982, you received nonjudicial punishment (NJP) for UA and possession of a controlled substance-marijuana. On 24 December 1982, you were counseled concerning UA and possession of marijuana and advised that failure to take corrective action could result in administrative separation. On 19 April 1983, you received a

second NJP for possession of a controlled substance-marijuana. Consequently, you were evaluated by a substance abuse counselor and identified as a confirmed drug abuser. On 20 April 1983, you were counseled concerning one count of possession of marijuana. You were offered counseling assistance and advised that failure to take corrective action could result in administrative separation.

On 26 April 1983, you were notified of the initiation of administrative separation proceedings by reason of misconduct due to drug abuse, at which point, you decided to waive your procedural rights. Subsequently, your commanding officer accepted your conditional waiver proposal for a General (Under Honorable Conditions) discharge characterization in exchange of your decision to waive your right to an Administrative Discharge Board (ADB). On 3 May 1983, consistent with your waiver agreement, your commanding officer recommended a General (Under Honorable Conditions) discharge characterization of service by reason of misconduct due to drug abuse. However, on 25 May 1983, the separation authority disapproved your conditional waiver and, ultimately, approved an Other Than Honorable (OTH) discharge characterization by reason of misconduct due to drug abuse. On 2 June 1983, you were so discharged.

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 and contentions that: (a) you enlisted voluntarily and served your country well, (b) you decided to use marijuana to deal with the anxiety of being separated from your family, (c) the current laws pertaining marijuana use have changed, (c) you were not offered any mental health support. Additionally, the Board noted your check the "Other Mental Health" box on your application but chose not to provide supporting evidence of your claim. For purposes of clemency and equity consideration, the Board noted you provided a copy of a character letter of support and portions of your OPMF documents.

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 and SCM, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact it included drug offenses. 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 is still against Department of Defense regulations and not permitted for recreational use while serving in the military. Further, 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. 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 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 carefully considered the evidence you submitted in mitigation, 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

