



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

██████████  
Docket No. 11550-24  
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) 10 U.S.C. § 1552  
(b)USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 w/ enclosures

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 that his discharge be upgraded, his narrative reason for separation be changed to "Secretarial Authority," and his reentry code be changed. Enclosure (1) applies.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 28 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 with a history of pre-serviced marijuana use and began a period of active duty on 12 June 1989.

c. Petitioner reenlisted on 19 July 1991 for a period of six years; however, he was subsequently disqualified from submarine duty in September 1991 due to medical issues related to his kidneys.

d. Petitioner was administratively counseled for a bounced check on 13 July 1992.

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e. On 5 November 1992, Petitioner self-referred for drug abuse counseling. During a subsequent evaluation, he revealed that he had not used drugs since high school but had been offered marijuana and purchased it because he wanted to get out of the Navy. He then used it and turned himself in to his Drug and Alcohol Program Advisor and chaplain.

f. In December 1992, Petitioner was initially processed for misconduct due to drug abuse but with a least favorable authorized characterization of service of General (Under Honorable Conditions) due to his self-reported use. He waived his rights to a hearing before an administrative discharge board, and the recommendation for his separation under honorable conditions was forwarded for action.

g. On 25 January 1993, via naval message, Naval Personnel Command informed Petitioner's chain of command that his self-reported use did not qualify for the voluntary self-referral program. Therefore, reprocessing under board procedures was directed.

h. Following this directive, Petitioner was subject to nonjudicial punishment (NJP) for a violation of Article 112a of the Uniform Code of Military Justice (UCMJ) due to wrongful use of marijuana and was issued a corrected notification of processing for administrative separation by reason of misconduct due to drug abuse with a least favorable characterization of Other Than Honorable (OTH).

i. The recommendation for Petitioner's discharge under OTH conditions was again forwarded for action and, on 22 March 1993, approved via naval message. Petitioner was so discharged on 1 April 1993.

j. At the time of his discharge, Petitioner's period of continuous honorable service for his first period of enlistment was omitted from the block 18 remarks of his DD Form 214.

k. Petitioner contends that he began to experience problems after his medical removal from submarine service; which began with the recoupment of his reenlistment bonus, multiple periods of garnished pay, and resulting in his bounced check. He also states that he began to suffer marital issues during his wife's pregnancy in 1992 but felt unable to request mental health counseling due to his [previous] status as a "nuke" in the submarine community. He feared that doing so would have ended his career. He asserts that, after making the mistake one night of using marijuana, he immediately self-reported to minimize the impact on his career and to avoid court-martial. He denies ever stating his desire to be discharge and believes the increased suicide risk for members of the submarine field should be factored into consideration of clemency. For the purpose of clemency and equity consideration, he submitted a highly detailed and lengthy personal statement, his service health records, multiple character letters, and an article about the mental health issues incident to serving in the nuclear field as a sailor.

## CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concluded that Petitioner's request warrants partial relief. Specifically, as discussed above, the Board noted

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Petitioner's DD Form 214 fails to annotate his previous period of continuous Honorable service and requires correction.

Notwithstanding the recommended corrective action below, the Board determined Petitioner's assigned characterization of service, reason for separation, and reentry code remain appropriate. 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 the changes to his record and the 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 Petitioner's 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 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. The Board found that Petitioner's misconduct constituted a deliberate and intentional departure from the behavior expected of a Sailor. Specifically, the Board noted that, after becoming disqualified from the submarine field due to medical reasons, or perhaps as he contends regarding the initial overpayment of his bonus, Petitioner appears to have suffered financial impact from recoupment of his reenlistment bonus. These financial concerns together with his apparent discontent at his removal from the submarine field resulted in his desire to escape his continued service commitment. The Board found that Petitioner chose to use marijuana and to self-refer as a means to easily escape his service contract and that this attempt backfired, resulting in his discharge under OTH conditions for misconduct due to drug abuse. The Board was not persuaded by Petitioner's current contentions regarding his reasons for self-reporting and found the 20 November 1992 medical chronology of events to be an accurate representation of Petitioner's motives for abusing drugs.

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. While the Board carefully considered the evidence Petitioner 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 Petitioner the relief he requested or granting the requested relief as a matter of clemency or equity. Ultimately, the Board concluded the mitigation evidence Petitioner provided was insufficient to outweigh the seriousness of his misconduct.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

#### RECOMMENDATION:

That Petitioner be issued a Correction to Certificate of Release or Discharge from Active Duty

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(DD Form 215), for the period ending 1 April 1993, to reflect the following comment added to the Block 18 Remarks section:

“CONTINUOUS HONORABLE SERVICE FROM 12JUN1989 TO 18JUL1991.”

That no further changes be made to Petitioner’s record.

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.

3/25/2025

