



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

[REDACTED]
[REDACTED]
Docket No. 11604-24
Ref: Signature Date

[REDACTED]

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 10 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 13 October 1981. Upon your enlistment, you admitted to a preservice arrest. On 11 January 1982, you revealed your fraudulent reenlistment during an interview with the command's legal investigator by admitting to using marijuana 700 times and amphetamines once. Despite your confession of fraudulent enlistment, no further action was contemplated and you were ordered to report to your next duty station. Between 11 August 1982 and 14 September 1982, you commenced two periods of

unauthorized absence (UA) totaling 27 days. On 20 September 1982, you received nonjudicial punishment for three periods of UA. Between 17 January 1983 and 26 January 1983, you commenced two periods of UA totaling six-days and resulting on you missing ship's movement.

On 27 January 1983, you were evaluated by a medical officer as a result of attempted suicide and diagnosed with Depression. On 28 January 1983, you were evaluated by a medical officer and diagnosed with Mixed Personality Disorder with Drug and Alcohol Abuse. Subsequently, you were again evaluated by a medical officer as a result of multiple suicide attempts while on the brig and diagnosed with Mixed Personality Disorder with Borderline Features, alcohol Abuse, Continuous, and Cannabis Abuse. On 29 January 1983, you began a period of UA which lasted three-days. On 22 February 1983, you were evaluated by a medical officer and admitted being unable to handle pressure. You expressed your desire to be out of the Navy.

On 8 April 1983, you received a second NJP for nine periods of UA, missing ship's movement, wrongful possession of drug paraphernalia, wrongful use of a controlled substance-marijuana, and disobeying a lawful order. You were notified of the initiation of administrative separation proceedings by reason of misconduct due to drug abuse and minor disciplinary infractions. You waived your procedural rights and your commanding officer recommended an Other Than Honorable (OTH) discharge characterization of service. The separation authority approved the recommendation by reason of misconduct due to drug abuse and you were so discharged on 4 May 1983.

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 you were incorrectly discharged. For purposes of clemency and equity consideration, the Board noted you did not provide supporting documentation describing post-service accomplishments or advocacy letters.

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, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact it included drug related offenses. The Board determined that illegal drug possession and 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 considered the seriousness of your misconduct and found that your conduct showed a complete disregard for military authority and regulations. Additionally, the Board observed that you were given multiple opportunities to correct your conduct deficiencies and 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. Finally, the Board noted you provided no evidence, other than your statement, to substantiate your contention.

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 that your request does not merit relief.

You are entitled to have the Board reconsider its decision upon the 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,

3/11/2025

