



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

■  
Docket No. 11870-24  
Ref: Signature Date

■■■■■■■■■■  
■■■■■■■■■■■■■■■■■■■■  
■■■■■■■■■■

Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. 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 12 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, and 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).

On 19 August 1986, during the accession process, you signed an alcohol and drug abuse screening certificate acknowledging that drug abuse by Navy personnel was prohibited. You enlisted in the Navy and began a period of active duty on 25 August 1986. On 29 August 1986, you again acknowledged the Navy's prohibition on illicit drug use. On 10 July 1987, you received a briefing on your command's substance abuse prevention program. On 4 May 1988, you began a period of unauthorized absence (UA) that terminated with your surrender on 12 June 1988. On 17 June 1988, you received nonjudicial punishment (NJP) for unauthorized absence and missing ships movement. On 30 January 1989, you received NJP for destruction of government property and disorderly conduct. On 28 February 1989, you received NJP for unauthorized absence. On 15 December 1990, you commenced a period of UA that terminated with your return to military control on 2 January 1991. On 18 January 1991, you received NJP for UA and failure to obey a lawful order. On 28 August 1991, you finished an aftercare treatment plan. On 16 November 1991, you received NJP for wrongful use of cocaine onboard a vessel. Consequently, you were notified that you were being recommended for administrative

discharge from the Navy by reason of misconduct due to drug abuse. You waived your procedural right to consult with military counsel but elected to present your case to an administrative discharge board (ADB). The ADB recommended separation with an under other than honorable conditions (OTH) character of service by reason of misconduct due to drug abuse. The commanding officer concurred with the ADB's recommendation and forwarded the recommendation to the separation authority. Ultimately, the separation authority directed your OTH discharge by reason of misconduct due to drug abuse and, on 14 May 1992, you were so discharged.

The Board carefully considered all potentially mitigating factors in your petition to determine whether the interests of justice warrant relief in your case including 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) you regret your actions that led to the positive urinalysis and not having an honorable discharge, and (2) since being out of the military, you have not had any drug related charges. For purposes of clemency and equity consideration, the Board noted your statement indicating that you have not had any drug related charges post-service.

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 multiple NJPs, 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.

As a result, the Board concluded your conduct constituted a significant departure from that expected of a service member and continues to warrant an OTH characterization. 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,

3/7/2025

