



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

██████████
Docket No. 570-25
Ref: Signature Date

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Dear ██████████

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 7 May 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).

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues 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 U.S. Navy and began a period of active duty on 1 August 2000. Upon entry onto active duty, you were granted a waiver for illegal use of marijuana while in the Delayed Entry Program. On 18 June 2001, you were issued a counseling warning for unauthorized absence (UA), disrespect, and failure to obey orders and regulations. You were advised that any disciplinary infraction subsequent to the date of notification will subject you to disciplinary actions and or processing for discharge. You received a second counseling warning, on 20 May 2002, for unauthorized use of a government travel card and fraudulent statement made on your

leave chit. On 12 July 2002, you received non-judicial punishment (NJP) for uttering a \$3571.46 check to pay your government travel card without sufficient funds to cover the payment.

On 5 September 2002, you were notified of the final denial of your security clearance eligibility due to long history of criminal offenses which included arrests for issuing bad checks, disorderly conduct, fraud, assault, making a false statement and failure to appear. You received your second NJP, on 10 January 2003, for wrongful use of marijuana. You submitted a NJP appeal, but the appeal was denied on 29 January 2003. Consequently, you were notified of administrative separation processing for drug abuse, commission of a serious offense, and pattern of misconduct. You elected an administrative discharge board (ADB) which met on 19 June 2003. The ADB found misconduct and recommended your discharge with an Other Than Honorable (OTH) characterization of service. Your Commanding Officer (CO) forwarded the ADB's recommendation to the Separation Authority (SA). The SA accepted the recommendation and you were so discharged on 13 August 2003.

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 suffered from pre-service PTSD, relapsed during your service and turned to marijuana to cope, your actions were a result of your struggle with PTSD and addiction, it not willful misconduct, and the change should be made because your discharge was primarily influenced by untreated PTSD and addiction which were direct results of your childhood. The Board noted you checked the "PTSD" box on your application but did not respond to the Board's request for supporting evidence of your claim. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted solely of your petition without any other additional documentation.

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 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 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. Further, the Board noted that you provided no evidence, other than your statement, to substantiate your contentions. Regardless, even if you had provided evidence, the Board determined your financial misconduct was not the type of misconduct attributable to PTSD. Therefore, the Board determined that the evidence of record did not demonstrate that you were not mentally responsible for your conduct or that you should not be held accountable for your actions.

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 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,

5/19/2025

