



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

Docket No. 0670-25
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 28 April 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).

You enlisted in the Navy and commenced active duty on 5 July 1988. After a period of continuous Honorable service, you immediately reenlisted and commenced a second period of active duty on 17 June 1992.

In October 1993, you were found guilty of driving under the influence (DUI) and sentenced to a suspended license, safety classes, and fines. In April of 1994, you were found guilty of driving without a license and sentenced to a weekend in jail and fines. On 15 July 1994, you were evaluated by the Navy Counseling and Assistance Center (CAAC), diagnosed an alcohol abuser, and recommended for Level II Alcohol Abuse Program.

On 26 August 1994, you were found guilty in [REDACTED] of open container and concealed weapon and sentenced to six months in jail (suspended except for five weekends), fines, and your gun was confiscated. On 29 August 1994, you were found guilty in [REDACTED] of

DUI, concealed weapon, and sentenced to revocation of probation, fines, a suspended license, and ninety days of confinement (sixty days suspended).

On 5 September 1994, you commenced a period of unauthorized absence (UA) that ended in your surrender on 7 September 1994. On 4 November 1994, you completed the Level II Alcohol Abuse Program. On 30 December 1994, you were arrested by the █ for possession of marijuana and open container in vehicle. You were issued a summons to █. On 6 January 1995, you commenced a period of UA that ended in your surrender on 8 January 1995. On 26 January 1995, a █ message reported your positive urinalysis for marijuana use.

Consequently, you were notified of pending administrative separation processing with an Under Other Than Honorable conditions (OTH) discharge by reason of misconduct due to drug abuse, commission of a serious offense, and civilian convictions. On 10 February 1995, you received non-judicial punishment (NJP) for wrongful use of marijuana. On 13 February 1995, you waived your rights to consult counsel, submit a statement, or have your case heard by an administrative discharge board. The separation authority subsequently directed your discharge with an OTH characterization of service and you were so discharged on 31 March 1995.

Post-discharge, you applied to the Naval Discharge Review Board (NDRB) for a discharge upgrade. The NDRB denied your request for an upgrade, on 2 September 1997, based on their determination that your discharge was proper as issued. Additionally, the NDRB directed corrections to your Certificate of Release or Discharge from Active Duty (DD Form 214), correcting your active-duty entry date to 5 July 1988 and adding a statement of Continuous Honorable Active Service from 5 July 1988 to 16 June 1992.

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 to change your discharge characterization of service and your contentions that you were an outstanding Sailor, never failed a drug test, did not do drugs, were not afforded the opportunity to defend yourself, and are now an ordained minister living a drug and alcohol-free lifestyle. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted solely of the letter you included with your petition without any other additional documentation.

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 NJP and civilian convictions, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact it included multiple drug offenses. The Board determined that illegal drug use and possession 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, contrary to your contention, you were found guilty at NJP of wrongful marijuana use based on a positive urinalysis. The Board also considered the likely discrediting effect your extensive civilian criminal conduct had on the Navy. 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. Additionally, again contrary to your contention, you waived your rights to consult counsel, submit a statement, or have your case heard by an ADB; which was your opportunity to defend yourself against the multiple offenses of misconduct that formed the basis for your administrative separation. Finally, the Board noted you provided no evidence, other than your personal statement, to substantiate your contentions.

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

