



Between 15 February 1980 and 2 March 1981, you received three instances of NJP for unauthorized absence, wrongful possession of marijuana, and wrongfully having a controlled substance known as marijuana inside your locker. On 16 March 1981, you were notified that you were being recommended for administrative discharge from the Navy by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. You were informed that the least favorable characterization of service you may receive is an Other Than Honorable (OTH). You were advised of your procedural rights; you elected your procedural right to consult with military counsel, and to present your case to an administrative discharge board (ADB).

On 14 April 1981, you received your seventh NJP for three specifications of failure to go to your appointed place of duty. On 17 April 1981, after consultation with military counsel, you signed a conditional agreement between yourself and the commanding officer (CO) agreeing to waive your right to present your case to an administrative discharge board (ADB) provided that you were recommended for a General (Under Honorable Conditions) (GEN) discharge. On 21 April 1981, you received your eighth NJP for unauthorized absence. On 24 April 1981, the CO recommended to the Chief of Naval Personnel (CNP) your administrative discharge with a GEN characterization of service. However, on 28 April 1981, CNP directed your CO to reprocess you for administrative discharge.

On 13 May 1981, you were re-notified that you were being recommended for administrative discharge from the Navy by reason of misconduct due to frequent involvement of a discreditable nature with military authorities and drug abuse. You were advised of your procedural rights, elected your procedural right to consult with military counsel, and waived your right to present your case to an ADB.

On 15 May 1981, your CO forwarded your administrative separation package to CNP recommending your administrative discharge from the Navy with a GEN characterization of service. On 6 June 1981, CNP did not concur with the CO's recommendation and your condition waiver. On 31 August 1981, you commenced a period of unauthorized absence that concluded upon your return to military authorities on 7 September 1981; a period totaling seven days.

On 9 September 1981, you were re-notified that you were being recommended for administrative discharge by reason of misconduct due to frequent involvement of a discreditable nature with military authorities and drug abuse. You were advised of your procedural rights, waived your right to consult with military counsel, and to present your case to an ADB. On the same day, your CO forwarded his recommendation for your administrative discharge from the Navy with an OTH characterization of service. On 17 September 1981, you received your ninth NJP for a period of UA totaling seven days, missing ship's movement, and wrongful possession of marijuana. On 27 October 1981, you received your tenth NJP for knowingly being in the vicinity where marijuana was being used. On 10 November 1981, the separation authority directed your administrative discharge from the Navy with an OTH character of service by reason of misconduct due to frequent involvement of a discreditable nature with military authorities and you were so discharged on 10 December 1981.

Post-discharge, you applied to the Naval Discharge Review Board (NDRB) for a discharge upgrade. The NDRB denied your request for an upgrade, on 14 July 1988, based on their determination that your discharge was proper as issued.

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 upgrade your discharge character of service and your contentions that you never did drugs until you joined the military and marijuana is now legalized in the state that you served in. 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 your 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 involved multiple drug offenses. The Board determined that illegal drug use or 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. Additionally, the Board noted that marijuana use or possession in any form is still against Department of Defense regulations and not permitted for recreational use while serving in the military. 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. 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 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 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,

5/30/2025

