



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

██████████
Docket No. 0966-25
Ref: Signature Date

██
██
██

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 7 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, 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 began a period of active duty on 17 November 1981. Prior to commencing active duty, you received a waiver for preservice use of marijuana and also admitted a preservice arrest for criminal mischief. On 2 November 1992, you submitted a sworn statement in which you admitted using marijuana on four occasions since your enlistment. On 17 November 1982, you were evaluated by a Counseling and Assistance Center (CAAC) staff counselor in connection with a recent apprehension for possession of marijuana. During the evaluation, you admitted having a problem with alcohol and expressed your desire to receive treatment. On 24 November 1982, you received nonjudicial punishment (NJP) for wrongfully having marijuana residue in your possession.

On 6 December 1982, you were evaluated by a medical officer as a result of alcohol dependency. During the evaluation, you claimed to have used drugs while on ARS treatment. Consequently, you were disenrolled from ARS treatment due to inappropriate behavior and for violating the ARS policy concerning drug use. On 14 March 1983, you were notified of the initiation of

administrative separation proceedings by reason of misconduct due to drug abuse; at which point, you decided to consult with counsel and requested a case hearing by an Administrative Discharge Board (ADB). On 18 May 1983, the ADB voted (3) to (0) that you committed misconduct due to drug abuse and recommended you discharge with an Other Than Honorable (OTH) characterization of service. The separation authority approved the recommendation, and you were so discharged on 17 June 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: (a) you lost your best friend when he was hit by a car while changing a tire, (b) the military did not offered you any assistance to cope with his loss, (c) you were a good sailor and the loss of your friend threw you for a loop, (d) you are a good person who truly desires to have your discharge status upgraded. 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 NJP and post-NJP drug abuse, 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 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. Finally, the Board observed that you provided no evidence, other than your 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 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,

4/18/2025

