



█ after your conviction for delivery of marijuana to a three-year prison sentence. Consequently, you were notified that you were being recommended for administrative discharge from the Navy by reason of misconduct due to civil conviction involving drug abuse. You submitted a qualified waiver of your right to an administrative separation board in exchange for a General (Under Honorable Conditions) (GEN) discharge. The Commanding Officer recommended acceptance of your qualified waiver and forwarded your case to the separation authority (SA). The SA accepted the recommendation and you were so discharged on 12 March 1975.

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 contentions that: (1) you know you made a mistake by utilizing drugs while serving, (2) you were caught and punished by both civilian and military authorities, (3) you would like an upgrade because you have been clean for a couple of decades and have had no more discrepancies with the law, (4) you would like to receive benefits through the Department of Veterans Affairs, (5) you were stupid for getting involved with drugs, and (6) you would like to move on with your life with an Honorable discharge. For purposes of clemency and equity consideration, the Board noted that you did not provide any documentation in support of your application.

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 SPCM and civilian conviction, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact it included drug offenses. The Board determined that illegal drug 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 marijuana possession in any form is still against Department of Defense regulations and not permitted for recreational use while serving in the military. The Board concluded your misconduct showed a complete disregard for military authority and regulations. Further, the Board considered the likely discrediting effect your civilian conviction had on the Navy. Finally, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating veterans' benefits, or enhancing educational or employment opportunities.

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 is attached 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,

4/22/2025

