



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

██████████  
Docket No. 1354-25

Ref: Signature Date

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████████████████████

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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 9 June 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 this 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 on the evidence of record.

During your enlistment processing, you disclosed pre-service infractions that included driving too fast for conditions, unsafe movement, indecent exposure. You also admitted to drug abuse. You enlisted in the Navy and commenced a period of active duty on 25 July 1979. On 24 October 1980, you received nonjudicial punishment (NJP) for possession of a controlled substance (marijuana/hashish). Upon completion of your enlistment, you immediately reenlisted on 31 August 1982. On 18 July 1985, you received NJP for two specifications of attempted conspiracy and two specifications of the wrongful use of marijuana. Consequently, you were notified that you were being recommended for administrative discharge from the Navy for drug abuse. After you waived your right to consult with counsel and present your case to an

administrative discharge board, your Commanding Officer forwarded your administrative separation package to the separation authority with a recommendation for discharge, stating the following:

“[Petitioner] has admitted to using marijuana during this enlistment and also during his prior enlistment. He tried to abuse the system by attempting to conspire with the Command Substance Abuse Coordinator to throw away his urine sample. Due to [Petitioner’s] disregard for the Navy’s ‘Zero Tolerance’ policy on drug abuse, I strongly believe that he should be separated from the Naval service with an other than honorable discharge by reason of Misconduct Due to Drug Abuse.”

On 6 September 1985, you were discharged with an Other Than Honorable (OTH) characterization of service.

Post-discharge, you applied to the Naval Discharge Review Board (NDRB) for a discharge upgrade. The NDRB denied your request for an upgrade, on 6 October 1989, based on their determination that your discharge was proper as issued.

The Board carefully considered all potentially mitigating factors to determine whether the interest 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 and remove “Misconduct – Drug Abuse – Use” from your narrative reason for separation. You contend that: (1) you believe your record is unjust because you were never found in possession of drugs, never tested positive on a drug screening, and were not afforded the opportunity to challenge the unsupported allegation, (2) you have no recollection of contempt to conspire, (3) you were stripped of your rank and Aviation Warfare Specialist sings and reduced in tasks unrelated to your skillset, (4) although you had a good relationship with your command, you felt your commander targeted you since you were young and defiant, (5) while you did not falsify documents, use drugs, or contempt to conspire, had you been more cooperative, you are confident this could have been resolved, (6) you did not handle the situation well. While you admit to underage drinking and experimenting with marijuana as a teenager, you were never a regular user and did not engage in the use of any substances beyond alcohol and marijuana, and (7) under significant mental strain and pressure, you agreed to be discharged in an effort to end the ordeal. For purposes of clemency and equity consideration, the Board considered the totality of your application; which included your DD Form 149, personal statement, Honorable discharge certificate, and DD Form 214.

After a thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined your misconduct, as evidenced by your second enlistment NJP, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact that it involved 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 noted that marijuana use in any form is still against Department of Defense regulations and not permitted for recreational use while serving in the military. Further, the Board noted you were provided with an opportunity to correct your

conduct deficiencies but chose to continue to commit misconduct; which led to your OTH discharge. The Board concluded that your conduct showed a complete disregard for military authority and regulations. Finally, the Board noted that you provided no evidence, other than your statement, to substantiate your contentions. Thus, the Board applied the presumption of regularity to your NJP and administrative separation. Ultimately, the Board concluded your discharge was proper and equitable under standards of law and discipline and that the discharge accurately reflects your conduct during your period of service.

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 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,

6/30/2025

