



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

[REDACTED]  
Docket No. 1481-25  
Ref: Signature Date

[REDACTED]  
[REDACTED]  
[REDACTED]

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 29 August 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 U.S. Navy and began a period of active duty service on 24 February 1981. Your pre-enlistment physical examination, on 27 January 1981, and self-reported medical history both noted no psychiatric or neurologic issues or symptoms. As part of your enlistment application you disclosed pre-service marijuana use "100x's." You also disclosed on your application: (a) pre-service arrests for DUI, resisting arrest, and two assaults, and (b) being previously rejected for enlistment in January 1980 because of drug abuse and police involvement. On 12 July 1981, you reported for duty on board the [REDACTED] in [REDACTED]

On 24 June 1982, your command issued you a "Page 13" retention warning (Page 13) documenting your drug involvement. The Page 13 expressly advised you that: (a) a continuation of such misconduct may ultimately disqualify you from receiving an honorable

discharge, and (b) if your drug involvement continues, you may be processed for discharge under Other Than Honorable conditions (OTH).

On 6 July 1982, you received non-judicial punishment (NJP) for the wrongful possession of a controlled substance (marijuana) and drug-related paraphernalia. You did not appeal your NJP. On 30 July 1982, your command remitted the portion of your NJP involving forfeitures of pay.

On or about 8 January 1983, you reported for duty on board the ██████████ at ██████████. On 31 August 1983, you disclosed to the Substance Abuse Counselor (SAC) onboard the ██████████ that you were continuing to abuse drugs. Following counselling and evaluation, your command determined that you were not amenable to treatment.

On 2 September 1983, your command notified you of administrative separation proceedings by reason of misconduct due to drug abuse. On 7 September 1983, you elected your rights to consult with counsel and to submit written rebuttal statements; however, you waived your right to request an administrative separation board.

On 12 September 1983, your commanding officer (CO) recommended to the Separation Authority (SA) that you receive an OTH discharge characterization. In his recommendation, your CO stated, in part:

Since reporting to ██████████ SNM's professional performance has been marginal. SNM has confessed to continued drug abuse and has declined to enter into any rehabilitation program. He does not contribute to unit readiness. His confession of continued drug abuse is evidence of his recalcitrant attitude in refusing to cease his drug abuse. I recommend that he be separated...with an other than honorable discharge.

On 19 September 1983, the SA approved and directed your separation for misconduct with a more favorable General (Under Honorable Conditions) ("GEN") discharge characterization. Your separation physical examination, on 21 September 1983, noted no psychiatric or neurologic issues or symptoms. Ultimately, on 21 September 1983, you were separated from the Navy for misconduct with a GEN discharge characterization and assigned an RE-4 reentry code.

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 were discharged due to smoking marijuana, (b) your CO gave you two options to be discharged from the Navy - 1) fist fight with others, 2) tell him you were gay; so, you decided to smoke weed, (c) you told the CO that you would smoke weed and then he could discharge you, and (d) the CO did not like you for some reason. For purposes of clemency and equity consideration, the Board considered the totality of the evidence you provided in support of your application, which consisted of your DD Form 149 and a copy of your DD Form 214.

After thorough review, the Board concluded these potentially mitigating factors and contentions were insufficient to warrant relief. The Board did not believe that your record was otherwise so

meritorious as to deserve a discharge upgrade. The Board concluded that significant negative aspects of your conduct and/or performance greatly outweighed any positive aspects of your military record. The Board determined that illegal drug use is contrary to military core values and policy, renders such service members unfit for duty, and poses an unnecessary risk to the safety of their fellow Sailors. The Board noted that marijuana use is still against Department of Defense regulations and its use in any form is still not permitted for recreational use while serving in the military. The Board determined that characterization under GEN or OTH conditions is generally warranted for misconduct and is appropriate when the basis for separation is the commission of an act or acts constituting a significant departure from the conduct expected of a Sailor. The Board determined that the record clearly reflected your misconduct was intentional and willful and indicated you were unfit for further service. The Board concluded that your cumulative misconduct was not minor in nature and demonstrated a repeated failure to conform to basic military standards of good order and discipline, all of which further justified your GEN characterization. Moreover, the Board noted that the evidence of record did not demonstrate that you were not mentally responsible for your conduct or that you should not otherwise be held accountable for your actions. Ultimately, the Board determined you were fortunate to receive a GEN characterization based on your extensive record of drug abuse.

As a result, the Board determined that there was no impropriety or inequity in your discharge, and the Board concluded that your drug-related misconduct and disregard for good order and discipline clearly merited your discharge. Even in light of the Kurta, Hagel, and Wilkie Memos and reviewing the record liberally and 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,

9/4/2025

