



were evaluated for substance abuse and determined to be a marijuana abuser and not dependent. On 11 April 1983, you received Page 13 counseling for positive urinalysis for cocaine and were evaluated as a cocaine abuser, not dependent and were again advised that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative discharge. Consequently, you were notified of pending administrative separation processing with an Under Other Than Honorable conditions (OTH) discharge by reason of misconduct due to drug abuse. On 12 May 1983, you received NJP for wrongful use of cocaine. You elected to consult with legal counsel and subsequently requested an administrative discharge board (ADB). On 31 May 1983, the ADB found that you had committed misconduct and recommended that you be discharged under OTH conditions by reason of misconduct due to drug abuse. On 7 July 1983, you received NJP for two specifications of absence from your appointed place of duty. The separation authority subsequently concurred with the ADB and directed an OTH discharge by reason of misconduct due to drug abuse. On 12 July 1983, your discharge was held in abeyance pending a Naval Investigative Service (NIS) investigation. On 19 July 1983, you received your final NJP for wrongful use and distribution of a Class I hallucinogen. On 1 August 1983, you were discharged with an 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 24 October 1984, 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 change your discharge characterization of service, receive decorations and awards, and have your rank, pay, and allowances restored. You contend that your new commanding officer was biased toward older Sailors and you were unjustly accused of drug abuse, which caused you to lose your rate, pay, and ability to get medical help and Department of Veterans Affairs (VA) benefits. You also checked the "PTSD" and "Mental Health" boxes on your application but chose not to respond to the 19 February 2025 letter from the Board requesting evidence in support of your claim. For purposes of clemency and equity consideration, the Board considered the totality of your application, which included your DD Form 149, VA benefits decision letter, training certifications, article, law enforcement identification cards, citation, and employment recommendation letter you provided.

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 use, possession, and distribution offenses. The Board determined that illegal drug use, possession, and distribution 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. In contrast to your current contention of being falsely accused of drug use, the Board noted that during your NDRB hearing you admitted to marijuana use while on leave but asserted that you did not use cocaine and thought you tested positive because you had swapped your urine sample with another Sailor's who you "thought was clean." Further, the Board noted that your drug related misconduct occurred over a period of over two years and encompassed five separate drug abuse

incidents involving four different types of controlled substances. Therefore, the Board was not persuaded by your contention's innocence or alleged bias by your new commanding officer.

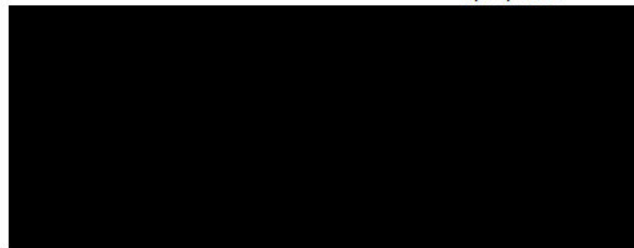
Additionally, the Board found that your conduct showed a complete disregard for military authority and regulations. The Board observed you were given multiple opportunities to correct your conduct deficiencies but chose to continue to commit misconduct, which led to your OTH discharge. Your conduct not only showed a pattern of misconduct but was sufficiently pervasive and serious to negatively affect the good order and discipline of your command. Finally, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating veterans' benefits and noted that the VA letter you provided indicates you are receiving medical treatment for your service-connected conditions.

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<sup>1</sup>. While the Board carefully considered the evidence you submitted in mitigation and commends your post-discharge accomplishments, 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. Ultimately, the Board concluded the mitigation evidence you provided was insufficient to outweigh the seriousness of your misconduct. 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,

7/18/2025



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<sup>1</sup> In making this finding, the Board also found no basis to grant your requests to receive decorations and awards, and have your rank, pay, and allowances restored.