



On 18 September 1985, you received NJP for wrongful use of THC due to positive urinalysis. On 5 March 1986, you received NJP for wrongful use of marijuana due to positive urinalysis. On 31 March 1986, you were evaluated by a medical officer and found you not dependent. During your evaluation, you denied knowingly using drugs.

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. You elected to consult with legal counsel and requested an administrative discharge board (ADB). 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. The separation authority concurred with the ADB and you were so discharged on 18 August 1986.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Kurta, Hagel, and Wilkie Memos. These included, but were not limited to, your desire to change your discharge characterization of service and your contentions that you suffered from undiagnosed post-abortion depression and used alcohol and drugs to cope, you do not recall ingesting marijuana although you tested positive, and a friend told you that you ingested marijuana while you were very drunk. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted of your DD Form 149, your statement, pages from your active-duty service and medical records, and an article about abortion and mental health you provided.

As part of the Board's review process, a qualified mental health professional reviewed your contentions and the available records and issued an AO on 20 June 2025. The AO stated in pertinent part:

Petitioner contends she incurred mental health issues during military service, which may have contributed to the circumstances of her separation from service.

There is no evidence that the Petitioner was diagnosed with a mental health condition during her military service or that she suffered from any symptoms incurred by a mental health condition. She did submit peer statement submitted during separation proceedings that indicated the Petitioner appeared depressed during relationship stress with her boyfriend. This would indicate likely adjustment difficulties and not a mental health condition. Her personal statement is not sufficiently detailed to provide a nexus between her misconduct and a mental health condition.

The AO concluded, "it is my clinical opinion that there is insufficient evidence of a mental health condition that existed in service. There is insufficient evidence to attribute her misconduct to any mental health condition."

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 in your final enlistment, outweighed these mitigating factors. In making this finding, the

Board considered the seriousness of your misconduct and the fact it involved drug 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 also 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.

Further, the Board noted inconsistencies between your current contentions, your contentions during service, and the record. The Board observed that your medical records indicate you had an abortion during your first enlistment on 15 October 1981 and that you had three subsequent NJPs for drug use in January 1983, September 1985, and March of 1986. During your ADB on 2 June 1986, you indicated you were depressed because you learned you were pregnant in January, that your boyfriend left you, you had an abortion, and you were drunk when you smoked the marijuana, and you don't remember doing it. You also admitted to the marijuana use in September 1985 and to failing to disclose pre-service drug use on your enlistment application. Thus, the Board concurred with the AO and determined that there is insufficient evidence of a mental health condition that existed in service and insufficient evidence to attribute your misconduct to any mental health condition. The Board determined that the evidence of record did not demonstrate that you were not mentally responsible for your conduct or that you should not be held accountable for your actions. Moreover, even if the Board assumed that your misconduct was somehow attributable to any mental health conditions, the Board unequivocally concluded that the severity of your serious misconduct more than outweighed the potential mitigation offered by any mental health 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. While the Board carefully considered the evidence you submitted in mitigation, 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. 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,

8/26/2025

