



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

██████████  
Docket No. 1786-25  
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 16 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 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, 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) and 20 September 2011 guidance from the Under Secretary of Defense regarding the correction of military records following the repeal of 10 U.S.C. 654 (Don't Ask, Don't Tell (DADT)).

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 based on the evidence of record.

During your enlistment processing you disclosed a pre-service speeding violation and drug use. You enlisted in the Navy and commenced a period of active duty on 1 June 1978. On 20 March 1979, while assigned to Naval Technical Training Center (NTTC) Naval Air Station ██████████ you received nonjudicial punishment (NJP) for possession of controlled substances (marijuana and lysergic acid diethylamide (LSD)). A subsequent evaluation determined you

were not drug dependent and did not require rehabilitation, but it did recommend Command Alcohol and Drug Abuse Counseling (CAAC).

On 24 February 1982, while at Naval Station ██████████, you were convicted by a special court-martial (SPCM) of failing to obey a lawful general regulation by possessing four tablets containing LSD. You were sentenced to confinement at hard labor, forfeiture of pay, and reduction in rank. On 30 March 1982, you were again not drug dependent and your commanding officer recommended separation, citing your repeated drug offenses and the risk of continued abuse. Consequently, on 13 April 1982, you were notified of pending administrative separation processing by reason of drug abuse and homosexuality; at which time you elected your procedural right to consult with counsel and waived your right to have your case heard before an administrative discharge board. You also refused recommended treatment. Your commanding officer recommended separation with an Other Than Honorable (OTH) characterization of service. The separation authority concurred and you were discharge by reason of drug abuse on 20 April 1982.

The Board carefully considered all potentially mitigating factors to determine whether the interest of justice warrant relief in your case in accordance with the DADT repeal and Wilkie Memos. These included, but were not limited to, your desire to upgrade your discharge and your contentions that your discharge reflects the discriminatory policies once used to remove LBG service members, you concealed your sexual orientation to serve, you engaged in drug use to avoid discovery and discharge, you upheld Navy core values by refusing to implicate other LGB sailors, and your sexual orientation would be protected if you served today. For purposes of clemency and equity consideration, the Board considered the totality of your application, which included your DD Form 149 and the evidence you submitted in support of your application.

After a thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your NJP and SPCM, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact that it included repeated 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 further noted you were provided an opportunity to correct your conduct deficiencies during your service, but you continued to commit misconduct; which led to your OTH. Your conduct, specifically your repeated drug abuse, was sufficiently pervasive and severe to adversely affect the good order and discipline of your command. Furthermore, the Board noted that an Honorable discharge was only appropriate if the member's overall service was otherwise so meritorious that any other characterization of service would be clearly inappropriate. The standard was not met in your case.

Additionally, the Board noted that, although your sexual orientation may have been a contributing factor in the circumstances surrounding your discharge, your separation was independently supported by substantiated misconduct that separately warranted administrative separation<sup>1</sup>. The Board also found that, even if you were discharged based on your

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<sup>1</sup> See Under Secretary of Defense for Personnel and Readiness Memorandum, "Correction of Military Records Following Repeal of Section 654 of Title 10, United States Code," 20 September 2011: "However, where there were

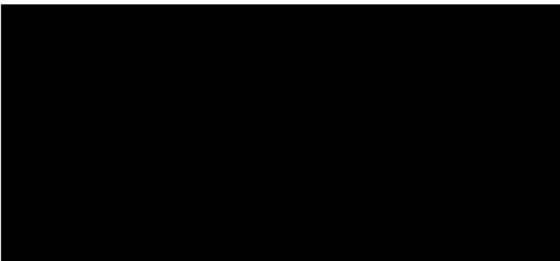
homosexuality, your multiple drug offenses equated to aggravating factors that outweighed any injustice associated with your administrative separation processing under the DADT or similar policy. Therefore, the Board determined that your discharge was proper and equitable under standards of law and discipline and that the discharge accurately reflects your conduct during your period of service.

While the Board carefully considered the evidence you provided, 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 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,

7/8/2025



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additional reasons for separation that were not solely related to homosexual conduct (such as misconduct), the board should consider whether the discharge was otherwise proper and equitable in light of all the circumstances.”