



offenses 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. On 25 March 1987, you received NJP for wrongful use of marijuana.

On 2 December 1988, you pleaded guilty at a Special Court Martial (SPCM) to wrongful use of cocaine and unlawfully uttering drafts with insufficient funds totaling one thousand nine hundred-fifty dollars. You were sentenced to reduction in rank to E-1, confinement, and a Bad Conduct Discharge (BCD). You were released from confinement and, on 27 January 1989, commenced a period of UA that ended in your surrender on 30 January 1989. You received NJP for UA on 3 February 1989. Subsequently, the findings and sentence in your SPCM were affirmed and you were issued a BCD on 19 March 1991.

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, your expression of remorse for your actions, and your desire for medical benefits and compensation from the Department of Veterans Affairs (VA) due to contaminated water at Camp Lejeune. You also checked the "PTSD," "Other Mental Health," and "TBI" boxes on your application but did not provide evidence of these conditions 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, your statement, copy of your VA claim, and copy of the VA acknowledgement of your intent to file a claim.

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 and SPCM, 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 also considered the service-discrediting nature of your repeated unlawful utterances of drafts with insufficient funds. Finally, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating veterans' benefits.

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 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.

