



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

Docket No. 2553-25
Ref: Signature Date

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 17 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, 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 on 7 May 1991. On 9 January 1993, you received non-judicial punishment (NJP) for wrongful appropriation of a cassette and rechargeable batteries. On 3 May 1993, you detached from the [REDACTED] and report to a service school. You received your second NJP, on 3 June 1993, for wrongful use of cocaine. Consequently, you were notified of administrative separation processing for misconduct drug abuse and elected an administrative discharge board (ADB). On 27 August 1993, the ADB met and determined you committed drug abuse. The ADB recommended you be discharged with an Other Than Honorable (OTH) characterization of service but recommended that your discharge be suspended for 12 months. Your Commanding Officer forwarded the ADB's recommendation to the Separation Authority (SA) on 10 September 1993. The SA disagreed with the suspension recommendation and directed you be discharged. You were so discharged on 20 December 1993.

Post-discharge, you applied to the Naval Discharge Review Board (NDRB) for relief. The NDRB denied your request, on 16 January 2003, after determining 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 for a discharge upgrade and change in your reason for separation. You contend that you deployed to Southwest Asia following the Gulf War and served with honor and distinction. You state that, when you got back from deployment, you were stressed from being in a heightened state of readiness, went to a party, and tried cocaine for the first time. You further contend that you accepted full responsibility for your actions but feel an injustice exists since you received a suspended separation, were told you could not get promoted for one year, , you asked to be put on the promotion list after completing your year with honor, and were later separated. The Board noted you checked the "PTSD" box on your application but did not respond to the Board's request for supporting evidence of your claims. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted solely of your DD Form 149, DD Form 214, and DD Form 215 without any additional documentation for the Board's consideration.

After 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 NJPs, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact it included a drug offense. 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 noted contrary to your contention that you accepted full responsibility for your actions, you denied using cocaine and attempted to shift blame for your actions during your ADB. Further, the Board noted that the ADB's recommendation to suspend your separation was not binding on the SA. Additionally, the Board found no evidence you were allowed to remain on active duty for 12 months after your drug abuse and noted that your discharge occurred approximately six months after your NJP. Finally, the Board noted you provided no evidence other than your statement, to substantiate your contentions.

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. 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. 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,

7/8/2025

