



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

██████████  
Docket No. 2611-25  
Ref: Signature Date

██████████  
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██  
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Dear ██████████

This is in reference to your application for correction of your late brother's 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<sup>1</sup> 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 26 September 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 at the age of twenty-eight (28) and began a period of active duty service on 21 February 1989. Your pre-enlistment physical examination on, 25 January 1989, and self-reported medical history both noted no psychiatric or neurologic issues or symptoms.

On 12 June 1989 you underwent a Medical Board (MB) following being involved in a sports-related incident while playing basketball. The MB did not recommend your separation, but instead that you be placed on limited duty for six (6) months.

On 20 April 1990, a Navy Drug Screening Laboratory (NDSL) message indicated that you tested positive for cocaine. On 3 May 1990, you received non-judicial punishment (NJP) for the wrongful use of a controlled substance (cocaine). You did not appeal your NJP. On 20 June 1990, a drug and alcohol evaluation indicated that you did not appear to be

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<sup>1</sup> The terms "you" and "your" shall collectively refer to either you or your late brother, as applicable.

physically or psychologically dependent on alcohol or drugs. On 7 July 1990, your command issued you a "Page 13" warning (Page 13) documenting your wrongful use of a controlled substance. The Page 13 expressly advised you that any further deficiencies in performance and/or conduct may result in disciplinary action and in processing for administrative separation.

However, on 17 September 1990, an NDSL message indicated that you again tested positive for cocaine. Consequently, your command notified you of administrative separation proceedings by reason of misconduct due to drug abuse. You consulted with counsel and elected your rights to submit statements and to request an administrative separation board (Adsep Board). On 13 November 1990, you changed your mind and subsequently waived your Adsep Board. In the interim, your separation physical examination noted no psychiatric or neurologic issues, symptoms, history, or counseling.

On 8 January 1991, your commanding officer recommended to the Separation Authority (SA) that you be separated with an "under other than honorable conditions" ("OTH") discharge characterization. On 22 January 1991, the SA approved and directed your OTH discharge. On 24 January 1991, you declined your right to receive drug rehabilitation treatment prior to separation. Ultimately, on 1 February 1991, you were separated from the Navy for misconduct with an OTH discharge characterization and were assigned an RE-4 reentry code.

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 change to your discharge status and contentions that: (a) you demonstrated civic duty by continuing to serve your country as a CDL before during and after COVID, despite certain impediments and chronic comorbidities plaguing you, (b) you went on to fight many battles in your life, (c) as a U.S. born ██████████ ██████████ Citizen and former Navy Seaman, you were able to continue to leverage your Navy training and your God given gifts and talents expertly, regardless of all the unfavorable circumstances and challenges existing during your lifetime, (d) your driving expertise was six-sigma qualified, and (e) you safely and successfully completed many long distance trips without incident and in all kinds of inclement weather. For purposes of clemency and equity consideration, the Board considered the totality of the evidence you provided in support of your application; which consisted of your DD Form 149, a copy of an NJMVC restoration notice, and birth certificates.

After thorough review, the Board concluded these potentially mitigating factors and contentions were insufficient to warrant relief. The Board did not believe that your record was otherwise so meritorious as to deserve a discharge upgrade. The Board concluded that significant negative aspects of your conduct and/or performance greatly outweighed any positive aspects of your military record. The Board determined that illegal drug use is contrary to military core values and policy, renders such service members unfit for duty, and poses an unnecessary risk to the safety of their fellow Sailors. The Board determined that characterization under OTH conditions is generally warranted for misconduct and is appropriate when the basis for separation is the commission of an act or acts constituting a significant departure from the conduct expected of a Sailor. The Board determined that the record clearly reflected your misconduct was intentional and willful and indicated you were unfit for further service. The Board concluded that your

cumulative misconduct was not minor in nature and demonstrated a repeated failure to conform to basic military standards of good order and discipline, all of which further justified your OTH characterization. Moreover, the Board noted that the evidence of record did not demonstrate that you were not mentally responsible for your conduct or that you should not otherwise be held accountable for your actions. Finally, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating burial, veterans' benefits, or enhancing educational or employment opportunities.

As a result, the Board determined that there was no impropriety or inequity in your discharge, and the Board concluded that your drug-related 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. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

The Board noted that you made many different inquiries about your late brother's active duty service and experiences. The Board believed that many, if not all, of your questions can be answered by obtaining an official copy of your late brother's service record. A copy of the service record can be obtained by making a request to the National Archives. To get a copy of your late brother's military service records, the fastest way is to use the online "eVetRecs" tool on the National Archives website at "<https://www.archives.gov/veterans/military-service-records>" or VA.gov, which requires an ID.me account for verification. You can also print and mail a Standard Form 180 (SF-180) to the National Archives, or in some cases, write a letter requesting the records.

The Board offered its deepest sympathy for your loss.

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,

11/17/2025

