



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

██████████
Docket No. 2807-25
Ref: Signature Date

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Dear ██████████

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 5 August 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).

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.

You enlisted in the U.S Navy and began a period of active duty on 1 June 1993. Upon entry onto active duty, you were granted a waiver for non-minor misdemeanor battery, admission to having a beer in a car, and being cited by the police at the age of 17. You admitted to illegal use of marijuana 15 times on the DoD National Agency Questionnaire.

On 7 June 1993, you were issued a counseling warning for your defective enlistment and induction due to fraudulent entry into the naval service for your failure to disclose your possession of marijuana in May 1988, six months counseling, and marijuana use from February 1988 to December 1992. On 13 October 1994, you received non-judicial punishment (NJP) for

wrongful use of cocaine and a one-day unauthorized absence (UA). Consequently, you were notified of administrative separation processing for drug abuse. You waived your rights to consult with counsel and a hearing before an administrative discharge board. The commanding officer (CO) made his recommendation to the Separation Authority (SA) that you be discharged with an Other Than Honorable (OTH) characterization. The SA accepted the recommendation and you were discharged on 18 November 1994.

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 have a medical review of your record for service related injury and alcoholism. You contend that you were young and your misconduct should not and does not reflect your character then or now. You also checked the "PTSD" and "Other Mental Health" boxes on your application but chose not to respond to the Board's request for supporting evidence of your claim. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted solely of the personal statement you included with your DD Form 149 and DD Form 214 without any other additional documentation.

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 NJP, 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 and possession 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. Further, the Board found that your conduct showed a complete disregard for military authority and regulations. The Board observed you were given an opportunity to correct your pre-service conduct deficiencies but chose to continue to commit misconduct; which led to your OTH discharge. Your conduct not only showed a pattern of misconduct that continued in-service but was sufficiently serious to negatively affect the good order and discipline of your command.

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.

Regarding your request for a medical review for service connected disability conditions, the Board considered that it is not an investigative agency. Further, the Board observed that disability service connection determinations fall under the purview of the Department of Veterans Affairs (VA)¹. Therefore, the Board took no action on this aspect of your application².

¹ The Board recommends you contact your nearest VA office to determine your eligibility.

² The Board did not consider your implied request for a medically related discharge since you provided no evidence to support it. Should you choose to request such a change to your narrative reason for separation, the Board recommends you submit a new DD Form 149 with supporting evidence. However, it is worth considering that

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,

8/14/2025



service regulations mandate misconduct based administrative separation processing, in cases involving an OTH characterization of service, supersede disability processing.