



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

██████████  
Docket No. 2808-25  
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER ██████████  
██████████, USN, XXX-XX-██████████

Ref: (a) 10 U.S.C. § 1552  
(b) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 w/ enclosures

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board) requesting that his discharge be upgraded to "Honorable" and that his narrative reason for separation be changed to "Secretarial Authority." Enclosure (1) applies.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 28 March 2025 and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, applicable statutes, regulations, and policies, to include reference (b).

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. Although Petitioner's 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 the case on its merits.

b. Petitioner enlisted in the Navy and began a period of active duty on 8 August 1995.

c. On 3 April 1997, a message from the Naval Drug Laboratory reported his urinalysis positive for MDA/MDMA; more commonly known as "Ecstasy."

d. Petitioner entered into a pre-trial agreement that changed the forum from a Special Court-

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[REDACTED], USN, XXX-XX-[REDACTED]

Martial to a Summary Court-Martial (SCM) in return for Petitioner's plea of guilty as to the charged offense and his voluntary waiver of his right to request a hearing before an administrative separation board.

e. On 13 May 1997, Petitioner pleaded guilty at a SCM to a single charge and specification for violation of Article 112a of the Uniform Code of Military Justice (UCMJ). His adjudged punishment included reduction to the paygrade of E-2, forfeiture of \$667 pay, and 21 days confinement.

f. Subsequently, Petitioner was notified of processing for administrative separation by reason of misconduct due to drug abuse and he elected to waive his right to a hearing before an administrative separation board, consistent with the negotiated terms of his pre-trial agreement.

g. The recommendation for Petitioner's discharge under Other Than Honorable (OTH) conditions was approved and he was so discharged on 13 August 1997.

h. Petitioner contends that his discharge is unjust on the basis of clemency in light of his post-discharge character and conduct in contrast to the severity of his single instance of misconduct. He states that he became intoxicated at an off-base party and made an isolated, poor decision to accept an Ecstasy pill; following which he was given a urinalysis test that reflected his positive use. Due to shame and remorse, he chose to plead guilty at SCM and to waive his right to a hearing before a separation board; electing to acknowledge his mistake and its consequences. In the time since his discharge, Petitioner has realized that he became friends with people who did not have his best interests at heart during his impressionable youth and it was a life lesson for him that has made him a better man as he continues to advance his medical career. He is proud of who he has become and attributes it largely to his experience in the Navy. Although he understands that he cannot go back and do things over, he would be willing to re-join service. Petitioner contends that he worked as a member of the college security team to help pay for tuition at [REDACTED]. He later worked for [REDACTED] laboratory after his graduation, and continues to work as a medical laboratory technician.

i. In support of his contentions and for the purpose of clemency and equity consideration, Petitioner submitted a brief from his legal counsel, a personal statement, academic transcripts, his diploma, his laboratory certification, training records, and certificates, a letter of his selection by his peers as their student speaker, an invitation to join a professional organization, awards received as a student of medical sciences, his résumé, a job offer and position description, and three character letters.

## CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concluded that Petitioner's request warrants partial relief. The Board reviewed his application under the guidance provided in reference (b).

The Board noted Petitioner's single instance of drug abuse misconduct and does not condone it. However, the Board observed that Petitioner has committed his life toward serving his

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community by pursuing education, credentials, and professional recognition in a public health field; providing necessary laboratory testing services. Additionally, Petitioner's esteem within his field has been recognized not only in his invitation to join professional organizations but also by his own peers in an academic setting. The Board found that the favorable factors Petitioner submitted for consideration of clemency based on his post-service character and accomplishments outweighed the misconduct evidenced by his single drug abuse incident. As such, the Board determined his OITH characterization of service no longer reflects the rehabilitated citizen he has become in the nearly three decades since his discharge and concluded that it would be an injustice to continue characterizing his service as OTH. Accordingly, the Board determined that it is in the interest of justice, purely as a matter of clemency and equity, to upgrade Petitioner's characterization of service to General (Under Honorable Conditions).

Notwithstanding the recommended corrective action below, the Board was not willing to grant an upgrade to an Honorable discharge. The Board determined that an Honorable discharge was appropriate only if the member's service was otherwise so meritorious that any other characterization of service would be clearly inappropriate. The Board concluded by opining that certain negative aspects of the Petitioner's conduct and/or performance outweighed the positive aspects of his military record, even under the liberal consideration standards for mental health conditions, and that a General (Under Honorable Conditions) discharge characterization and no higher was appropriate.

Additionally, the Board determined Petitioner's reason for separation and reentry code remain appropriate in light of his drug related misconduct. Ultimately, the Board concluded that any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

#### RECOMMENDATION:

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating, for the period ending 13 August 1997, he was discharged with a "General (Under Honorable Conditions)" characterization of service.

That no further changes be made to Petitioner's record.

A copy of this report of proceedings be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above-entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing

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corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

4/16/2025

