



Docket No. 3225-25
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 8 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).

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 Navy and commenced active duty on 29 November 1978. On 31 March 1980, you received non-judicial punishment (NJP) for unauthorized absence (UA), failure to pay a debt, and being incapacitated for duty due to previous consumption of intoxicating liquor. Additionally, you were issued an administrative remarks (Page 13) counseling concerning deficiencies in your performance and/or conduct. You were advised that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative discharge. On 22 June 1980, you received NJP for willfully disobeying a superior commissioned officer. On 18 December 1980, you received NJP for communicating a threat to

shore patrol, breach of the peace, and assault. On 20 January 1981, you received NJP for wrongful possession of alcohol on a Navy ship and making a false official statement. On 2 February 1981, you received NJP for willfully failing to obey a lawful order and unauthorized possession of an Armed Forces Identification card. On 6 April 1981, you were diagnosed an alcoholic and recommended for treatment. From 4 April 1981 to 20 May 1981, you were treated at a military substance abuse treatment facility, diagnosed poly-drug dependent, and determined not amenable to further treatment.

On 2 February 1982, you were convicted at Summary court-martial (SCM) of wrongful possession of marijuana and dereliction of duty. On 26 February 1982, you commenced a period of UA that ended in your apprehension by state police in ■. On 6 April 1982, you received NJP for thirteen days of UA, missing ship's movement and breaking restriction. Additionally, you were issued an administrative remarks (Page 13) counseling concerning deficiencies in your performance and/or conduct. You were advised that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative discharge. On 15 April 1982, you received NJP for UA from restricted muster.

On 28 May 1982, you commenced a period of UA that ended in your surrender on 3 June 1982. Consequently, you were notified of pending administrative separation processing with an Under Other Than Honorable conditions (OTH) discharge by reason of misconduct due to frequent involvement of a discreditable nature with military or civil authorities. You waived your rights to consult counsel, submit a statement, or have your case heard by an administrative discharge board. On 20 August 1982, you were again evaluated for substance abuse, diagnosed drug and alcohol dependent, and declined treatment. On 10 September 1982, you were convicted at SCM of the six-day of UA, wrongful possession and use of marijuana, wrongful possession of drug paraphernalia, using provoking words or gestures, and drunk and disorderly conduct. The separation authority subsequently directed your discharge with an OTH characterization of service and you were so discharged on 5 October 1982.

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 and your contentions that you were young and immature, "enough time has passed," you missed ship's movement because you fell in love with a girl from ■ and your service was excellent prior to missing the ship's movement. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted solely of what you stated on your DD Form 149 and DD Form 293 without any additional documentation.

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 SCMs, 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. Therefore, after the application of the standards and principles contained in the Wilkie Memo, the Board found that your service fell well below the minimum standards for a General (Under Honorable Conditions) or Honorable characterization of service.

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,

9/29/2025

