



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

██████████
Docket No. 3783-25
Ref: Signature Date

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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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 25 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 this 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 Navy and commenced active duty on 25 June 1997. On 24 June 1999, you received non-judicial punishment (NJP) for two instances of unauthorized absence (UA) from your unit. On 3 August 1999, you received NJP for failure to go to your appointed place of duty and wrongful use of a controlled substance. Consequently, you were notified of administrative separation processing by reason of misconduct due to pattern of misconduct and misconduct due to drug abuse. You waived all rights available to you in relation to the separation process but for the right to obtain copies of documents used in the proceedings. The separation authority approved your OTH discharge for drug abuse and you were discharged on 23 September 1999.

Post-discharge, you applied to the Naval Discharge Review Board (NDRB) for a discharge upgrade. The NDRB denied your request for an upgrade, on 1 July 2002, based on their determination that 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 to upgrade your characterization of service and correct your rank. You contend that: (1) when you were 19 and assigned overseas, your grandfather became terminally ill, and you were not allowed to take leave to see him before he passed away, (2) this occurred after you had been deployed to the Gulf for six months, stationed on a remote island, experienced the decommissioning of your ship, and you lost shipmates and friends, (3) your mother also abandoned you at that time, telling you she no longer needed to assist a mature adult, (4) all of this caused you to become depressed and you drank heavily to cope, (5) it got to a point where you did not care about anything and went UA, (6) since your discharge, you have straightened out your life, earned an Associate's Degree in Machine Tool, and work as a machinist, (6) you have married and started a family, and that after your second child was born, you went to EMT school and worked as a 911 operator, (7) you then went back to school and earned a degree as an Advanced Emergency Medical Technician, which led to your role as an EMT truck crew chief, (8) you then worked on your bachelor's degree in Healthcare Administration with a minor in Cybersecurity, (9) you have been a public servant EMS for 15 years and still work within the 911 system helping others, and (10) you would like a discharge upgrade to allow eligibility to work at a Department of Veterans Affairs hospital. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted of your DD Form 149 and the personal letter you provided in support of your application.

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, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact it involved 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 also found that your conduct showed a complete disregard for military authority and regulations. The Board observed you were given an opportunity 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. Finally, the Board noted you provided no evidence, other than your statement, to substantiate your contentions¹.

Regarding your contention of error in paygrade on your DD Form 214, the Board determined the presumption of regularity applies in your case. The Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. The Board found your personal statement insufficient to overcome the presumption in your case.

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

¹ The Board considered that you did not respond to the Board's request for supporting evidence of your claim of mental health conditions.

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,

9/2/2025

