



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 22204

Docket No. 4078-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED],
USN, XXX-XX-[REDACTED]

Ref: (a) 10 U.S.C. § 1552
(b) USD (P&R) Memo, "Clarifying Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Considering Requests by Veterans for Modification of their Discharge Due to Mental Health Conditions, Sexual Assault, or Sexual Harassment," 25 August 2017
(c) USD (P&R) Memo, "Guidance to Military Discharge Review Boards and Boards for Correction of Military / Naval Records Regarding Equity, Injustice, or Clemency Determinations," 25 July 2018
(d) NAVPERS 15560, Naval Military Personnel Manual (1987)
(e) SECNAVINST 5420.193, Board for Correction of Naval Records, 19 November 1997

Encl: (1) DD Form 149 w/enclosures
(2) DD Form 214 (19851021 – 19890720)
(3) [REDACTED] Message, subj: report of Urine Sample Tests (OPNAV Report 5350-4), dtg 102001Z AUG 89
(4) OPNAV Form 5350-2, Drug and Alcohol Abuse Report, 18 September 1989
(5) NAVPERS 1070/613, Administrative Remarks, 7,8,29 August 1989
(6) NAVPERS 1070/613, Administrative Remarks (Accused's Notification and Election of Rights)
(7) [REDACTED] CO Memo 5800 Ser 013/748, subj: Notice of an Administrative Board Procedure Proposed Action, 7 September 1989
(8) Petitioner's Memo, subj: Statement of Awareness and Request for, or Waiver of, Privileges, 7 September 1989
(9) [REDACTED] CO Memo 5800 Ser 013/789, subj: Administrative Discharge ICO [Petitioner], 20 September 1989
(10) [REDACTED] Message, subj: Misconduct Discharge ICO [Petitioner], dtg 041923Z OCT 89
(11) DD Form 214 (19890721 – 19891019)
(12) BCNR Memo Docket No. 04078-25, subj: Advisory Opinion ICO [Petitioner], 4 August 2025

1. Pursuant to the provisions of reference (a), the Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records, hereinafter referred to as the Board, requesting an upgrade to his characterization of service.

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2. A three-member panel of the Board, meeting in executive session, convened to review Petitioner's allegations of error or injustice pursuant to its governing policies and procedures on 19 September 2025 and determined by a majority vote that the corrective action recommended in paragraph 6a below should be taken upon Petitioner's naval record in the interests of justice. Documentary material considered by the Board included the enclosures; relevant portions of Petitioner's naval record; and applicable statutes, regulations, and policies, to include reference (b).

3. Factual Background. Following is the relevant factual background of Petitioner's case based upon review of his naval record and the evidence provided with his application:

a. Petitioner enlisted in the Navy and began a period of active duty service on 21 October 1985. See enclosure (2).

b. On 31 July 1989, Petitioner submitted a urine sample pursuant to a unit-wide urinalysis which later tested positive for the use of amphetamines, methamphetamines, and marijuana. See enclosures (3) and (4).

c. On 7 August 1989, Petitioner commenced a period of unauthorized absence (UA) for approximately 24 hours. See enclosure (5).

d. On 29 August 1989, Petitioner was in a UA status for just over two hours. See enclosure (5).

e. On 7 September 1989, Petitioner received non-judicial punishment (NJP) for the wrongful use of amphetamines and marijuana in violation of Article 112a, Uniform Code of Military Justice (UCMJ), and for UA in violation of Article 86, UCMJ. He was reduced to the next inferior pay grade. See enclosures (4) and (6).

f. By memorandum dated 7 September 1989, Petitioner was formally notified via the administrative board procedures that he was being considered for administrative discharge from the Navy for misconduct due to drug abuse. See enclosure (7).

g. Petitioner acknowledged receipt of the notice referenced in paragraph 3f above on the same day that it was received and elected to waive all of his rights within the administrative discharge process, to include his right to a hearing before an administrative discharge board. See enclosure (8).

h. By memorandum dated 20 September 1989, Petitioner's squadron commander forwarded Petitioner's administrative discharge action to the separation authority. See enclosure (9).

i. By message dated 4 October 1989, the separation authority directed that Petitioner be administratively discharged from the Navy under other than honorable (OTH) conditions for misconduct due to drug abuse. See enclosure (10).

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j. On 19 October 1989, Petitioner was discharged from the Navy under OTH conditions for misconduct due to drug abuse. See enclosure (11).

4. Procedural Background.

a. Petitioner submitted his DD Form 149 to the Board requesting the relief referenced in paragraph 1 above in April 2025. He did not dispute the basis for his discharge, but rather requested equitable consideration for his “foolish decision” to use drugs over 35 years ago. He provided a letter explaining that he was confronted with the breakup of a long-term relationship and made the mistake of seeking solace with old friends and reverting to his pre-service method of coping with such stressors. He expressed his remorse for this poor decision. He also claims that he struggled with homelessness, maintaining steady employment, and relationships for many years after his discharge until he ended up receiving mental health treatment from the Department of Veterans Affairs (VA) after experiencing suicidal ideations, but that he has since been able to turn his life around. He is now employed by the same VA clinic that provided him treatment, and volunteers at a local recovery center mentoring individuals who have reached a similar point in their lives as he did before his treatment.¹ Petitioner’s application was also supported by an eight-page legal brief from his attorney, essentially arguing that the requested relief is appropriate based upon the guidance of reference (c). See enclosure (1).

b. Because Petitioner’s based his request for relief in part upon an unidentified mental health concern, his application and records were reviewed by a Licensed Clinical Psychologist who provided an advisory opinion (AO) for the Board’s consideration. The Licensed Clinical Psychologist found no evidence of any mental health diagnosis in Petitioner’s medical records, but noted that he was diagnosed with alcohol and drug abuse while in the service. She also noted that there is evidence that Petitioner was referred to Level III alcohol rehabilitation treatment in 1986, and that Petitioner admitted to “smoking [marijuana] 6 times last year, using crystal meth once last year” in September 1989. The Licensed Clinical Psychologist ultimately found sufficient evidence of substance abuse while Petitioner was in the Navy, but insufficient evidence of any mental health condition which might have mitigated his misconduct.² See enclosure (12).

5. Conclusions.³

a. Petitioner’s personal appearance, with or without counsel, was not necessary for the Board members to understand the basis for request. Accordingly, Petitioner’s request for such an appearance was denied.

b. The Board found no evidence of any error in Petitioner’s discharge under OTH conditions for misconduct due to drug abuse when it was administered. In accordance with paragraph 3630620.1 of reference (d), a member could be separated by reason of misconduct due to drug abuse based upon one or more instances of the wrongful use of a controlled substance. Petitioner

¹ These claims are corroborated by several character reference letters included with his application.

² A copy of this AO was sent to Petitioner’s attorney for comment on 5 August 2025, but no response was ever received.

³ Except as discussed in paragraph 5d below, the Board’s conclusions were unanimous.

submitted a urine sample which tested positive for the use of marijuana and methamphetamines, and has admitted to such use in his current application. There is also evidence in his medical records confirming such use. Accordingly, there was an adequate factual basis for Petitioner's discharge upon this basis. It also appears from the record that all procedural requirements were satisfied to sustain Petitioner's discharge upon this basis. Specifically, the administrative board procedure was utilized in accordance with paragraph 3630620.3a of reference (d), and Petitioner voluntarily waived his right to a hearing before an administrative discharge board before his proposed separation was acted upon by the proper separation authority. Finally, paragraph 3630620.2a of reference (d) provided that discharges made upon this basis were normally under OTH conditions. Accordingly, there was no error in the OTH characterization assigned to Petitioner's discharge.

c. Because he based his request for relief in whole or in part upon a claimed mental health condition,⁴ Petitioner's application was reviewed in accordance with the guidance of reference (b). Accordingly, the Board applied liberal consideration to the existence of Petitioner's claimed mental health condition and to its potential effect upon the misconduct for which he was discharged. Even applying liberal consideration, however, the Board found insufficient evidence of any mental health condition which might otherwise excuse or mitigate his discharge. Despite checking the box in block 14 of his DD Form 149, Petitioner provided the Board with no evidence, or even a narrative description, of any mental health condition during his naval service. The Board noted the absence of any evidence supporting this claim and invited Petitioner to provide supporting documentation by letter dated 18 April 2025, but he failed to provide any response. The only evidence suggesting the existence of any mental health condition in the record was that reflecting that Petitioner received mental health treatment from the VA, but that treatment occurred long after Petitioner's discharge and does not suggest the existence of any mental health condition during his service. As such, the Board found no evidence of a mental health condition existing during Petitioner's naval service that may have excused or mitigated the misconduct for which he was discharged.

d. The Board also considered the totality of the circumstances to determine whether equitable relief may be warranted in the interests of justice in accordance with reference (c). In this regard, the Board considered, amongst other factors, Petitioner's sincerely expressed remorse for his misconduct; the relatively minor, non-violent, and isolated nature of Petitioner's misconduct; that Petitioner completed his first term of enlistment honorably; the difficult childhood circumstances described by Petitioner which may have contributed to his decision to revert back to old habits; the post-service difficulties that Petitioner endured for many years after his discharge; Petitioner's post-service rehabilitation efforts, as reflected in his current employment with the VA and his volunteer service working with similarly afflicted individuals; the character references provided with Petitioner's application; Petitioner's relative youth and immaturity at the time of his misconduct; and the passage of time since Petitioner's discharge. The Board did not reach a consensus regarding whether these considerations warranted equitable relief in the interests of justice.

⁴ Petitioner checked the box in block 14 of his DD Form 149 indicating that "other mental health" concerns were related to his request.

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(1) The Majority of the Board found the combined weight of these mitigating factors to sufficiently outweigh the severity of Petitioner's relatively minor misconduct such as to justify some equitable relief in the interests of justice. Specifically, the Majority believed the equitable upgrade of Petitioner's characterization of service to "General (under honorable conditions)" to be warranted given the totality of the circumstances. The Majority did not, however, find these considerations to be of sufficient weight to warrant upgrading Petitioner's discharge characterization to fully honorable, further finding that such extraordinary relief would represent an injustice to the thousands of other Sailors who have honorably completed their terms of enlistment without engaging in misconduct worthy of an OTH discharge by equating the quality of Petitioner's service to theirs.

(2) The Minority of the Board did not find the mitigating factors sufficient to justify any equitable relief. In this regard, the Minority simply applied greater weight to the severity of Petitioner's misconduct than did the Majority. Specifically, the Minority noted the medical evidence described in the AO which reflected that Petitioner's in-service drug use was more extensive than the single mistake that he claimed in his application and for which he was punished. This evidence suggests that Petitioner's in-service drug use was more pervasive than his record and his own statement suggests. As a result, the Minority found that the combined weight of the mitigating factors did not outweigh the severity of Petitioner's misconduct, and that equitable relief is therefore not warranted given the totality of the circumstances.

6. Recommendations.

a. *Majority Recommendations.* Based upon its conclusions as discussed in paragraph 5 above, the Majority of the Board recommends that the following corrective action be taken upon Petitioner's naval record in the interests of justice:

(1) That Petitioner be issued a new DD Form 214 reflecting that his service ending on 19 October 1989 was characterized as "General (under honorable conditions)." All other entries reflected on Petitioner's current DD Form 214, to include his narrative reason for separation and reenlistment code, are to remain unchanged.

(2) That a copy of this record of proceedings be filed in Petitioner's naval record.

(3) That no further corrective action be taken upon Petitioner's naval record.

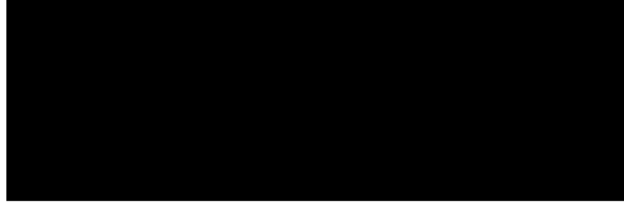
b. *Minority Recommendation.* Based upon its conclusion as discussed in paragraph 5 above, the Majority of the Board recommends that no corrective action be taken upon Petitioner's naval record.

7. 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 titled matter.

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8. The foregoing action of the Board is submitted for your review and action in accordance with Section 6e(1)(b) of Enclosure (1) to reference (e).

1/14/2026



ASSISTANT GENERAL COUNSEL (MANPOWER AND RESERVE AFFAIRS) DECISION:

 X MAJORITY Recommendation Approved (Partial Relief – I concur with the Majority conclusion and therefore direct the corrective action recommended by the Majority in paragraph 6a above.)

 MINORITY Recommendation Approved (Deny Relief – I concur with the Minority conclusion and therefore direct that no corrective action be taken upon Petitioner’s naval record.)

 Petitioner’s Request Approved (Full Relief – I generally concur with the Majority conclusion that equitable relief is warranted based upon the totality of the circumstances, but do not believe that the corrective action recommended by the Majority goes far enough to serve the interests of justice. Specifically, I found the combined weight of the mitigating circumstances to so significantly outweigh the relatively minor nature of Petitioner’s misconduct such as to justify the equitable relief that he requests. Accordingly, I direct that Petitioner be issued a new DD Form 214 reflecting that his service ending on 19 October 1989 was characterized as “Honorable”; that the narrative reason for his separation was “Secretarial Authority” (or the function equivalent of this term in use in October 1989); that his separation authority was “MILPERSMAN 3630900”; that his separation code was “JFF”; and that his reenlistment code was “RE-1.” Petitioner shall also be issued an Honorable Discharge Certificate.)

