



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

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Docket No. 4093-25
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 application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 12 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).

You originally enlisted in the U.S. Navy and began a period of active duty service on 21 October 1996. Your pre-enlistment physical examination, on 23 May 1996, and self-reported medical history both noted no psychiatric or neurologic issues, conditions, or symptoms. On 11 February 1997, you reported for duty on board the ██████████ in ██████████.

On 11 September 1999, you commenced a period of unauthorized absence (UA) that terminated on 3 October 1999. While in a UA status, you missed the movement of your ship on two (2) separate occasions. On 19 October 1999, a Navy Drug Screening Laboratory message indicated that you tested positive for marijuana.

On 9 December 1999, pursuant to your guilty pleas, you were convicted at a Special Court-

Martial (SPCM) of: (a) your 22-day UA, (b) two (2) separate missing movement offenses, and (c) the wrongful use of a controlled substance (marijuana). The Court sentenced you to confinement for eighty-five (85) days, total forfeitures of pay, and a reduction in rank to Seaman Apprentice (E-2).

On 25 January 2000, your command notified you of administrative separation proceedings by reason of misconduct due to the commission of serious offenses and drug abuse. You waived your rights to consult with counsel, submit statements, and to elect a hearing before an administrative separation board. In the interim, your separation physical examination and self-reported medical history both noted no psychiatric or neurologic issues, symptoms, or conditions. On 7 February 2000, your commanding officer (CO) recommended to the Separation Authority that you receive an under Other Than Honorable conditions (OTH) characterization of service.

On 13 March 2000, the Chief of Naval Personnel (CNP) forwarded your CO's OTH characterization recommendation to the Assistant Secretary of the Navy (Manpower and Reserve Affairs) ("ASNMR"). On 29 March 2000, ASNMR approved and directed your OTH discharge. Ultimately, on 10 April 2000, you were separated from the Navy for misconduct with an OTH discharge characterization and were assigned an RE-4 reentry code.

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 contentions that: (a) you sincerely regret your actions, (b) since your regrettable actions, you have done your best to learn from your mistakes and live your life in an honorable way, (c) you are currently living in unfortunate circumstances being homeless and you are working with a homeless case management and housing agency called ██████████ towards the goal of housing, (d) you have been matched to a veteran housing complex and your approval or denial depends on your discharge upgrade, (e) to this day you struggle with PTSD and depression, however, you have learned to live with them and live your life as honorably as possible, and (f) you have been homeless and had no access to resources until you partnered with your case management agency at ██████████. You also checked the "Other Mental Health" box 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 what you stated on your DD Form 149 without any additional documentation.

After thorough review, the Board concluded these potentially mitigating factors and contentions were insufficient to warrant relief. The Board did not believe that your record was otherwise so meritorious as to deserve a discharge upgrade. The Board concluded that significant negative aspects of your conduct and/or performance greatly outweighed any positive aspects of your military record. The Board determined that illegal drug use is contrary to military core values and policy, renders such service members unfit for duty, and poses an unnecessary risk to the safety of their fellow Sailors. The Board noted that marijuana use is still against Department of Defense regulations and its use in any form is still not permitted for recreational use while serving in the military. The Board determined that characterization under OTH conditions is

generally warranted for misconduct and is appropriate when the basis for separation is the commission of an act or acts constituting a significant departure from the conduct expected of a Sailor. The Board noted that, in addition to your drug use, you left the Navy while you were still contractually obligated to serve and you went into a UA status without any legal justification or excuse for approximately twenty-two (22) days. The Board determined that the record clearly reflected your cumulative misconduct was intentional and willful and indicated you were unfit for further service. Moreover, the Board noted that the evidence of record did not demonstrate that you were not mentally responsible for your conduct or that you should not otherwise be held accountable for your actions.

Finally, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating veterans' benefits, or enhancing educational, housing, or employment opportunities.

As a result, the Board determined that there was no impropriety or inequity in your discharge, and the Board concluded that your serious 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,

9/22/2025

