



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

█  
Docket No. 4593-25  
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 5 December 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 Navy and began active duty on 26 September 1977. After two broken periods of Honorable service, you reenlisted and commenced a third period of active duty on 17 December 1992. You were assigned to the █ (█) and deployed to the Western Pacific from 7 April 1993 to 30 September 1993. During this period, on 26 August 1993, you received non-judicial punishment (NJP) for the violation of a lawful general regulation by fraternizing with a junior female sailor where a direct senior/subordinate supervisory relationship existed. Consequently, you received an administrative remarks (Page 13) retention warning counseling for deficiencies in your conduct, and advised that further discrepancies may result in disciplinary action and in processing for administrative separation. On 21 March 1994, you received a Letter of Substandard Service and placed on Petty Officer Quality Control.

On 9 Jun 1994, you received your second NJP for the wrongful use of methamphetamines and were subsequently notified of pending administrative separation proceedings by reason of

misconduct due to drug abuse and the commission of a serious offense. You were informed that the least favorable characterization of service you may receive was Under Other Than Honorable (OTH) conditions. You waived your rights to consult with counsel but chose to present your case to an administrative discharge board (ADB). On 13 September 1994, the ADB found that you committed misconduct by reason of drug abuse and recommended that you be separated from the Navy with an OTH characterization of service. Your commanding officer (CO) forwarded your administrative separation package to the separation authority (SA) concurring with the ADB recommendation. In the meantime, you had a period of unauthorized absence from 27 December 1994 to 3 January 1995. Upon your return, the separation authority approved the CO's recommendation and you were discharged with an OTH on 20 January 1995.

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 discharge character of service and be awarded the Southwest Asia Service Medal (SWASM) for service on the █ from 1990-1991. You contend that: (1) prior to the incident that led to your discharge, you were a top performing Sailor who continued to gain education and qualifications to strive to be the best you could (2) to this day you do not know what happened other than a bad decision one night on the town, and the Captain telling you that he was going to make an example of you, (3) the Department of Veteran's Affairs (VA) diagnosed you with PTSD based on incidents earlier in your career, which may have had something to do with the choice you made, and (4) after your discharge, you continued to excel in your career, marriage, and raised a son who is successful in his own right. You also checked the "PTSD" box on your application but chose not to respond to the Board's request for supporting evidence of your claim<sup>1</sup>. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted of your DD Form 149, DD Forms 214, your personal statement, and a copy of your VA rating decision.

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 your mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact that it included 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. Additionally, the Board determined the fact you had periods of previous Honorable service was not sufficient to warrant a change to your characterization of service for your final enlistment period. Based on your years of prior active service before your drug abuse, the Board determined you were fully aware of the serious nature of your misconduct and, therefore, concurred with your CO that you did not exhibit potential for future service due to your drug abuse.

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. While the Board carefully considered the evidence you provided in mitigation, even

---

<sup>1</sup> The Board noted you provided a copy of your VA rating decision but no clinical or medical evidence as requested by the Board in their 9 September 2025 letter to you.

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.

Regarding your request for the SWASM, the Board noted that the SWASM was awarded to members of the Armed Forces of the United States, who participated in, or directly supported military operations in Southwest Asia, or in the surrounding areas, between 2 August 1990 and 30 November 1995 (Operations DESERT SHIELD, DESERT STORM, and the Southwest Asia Ceasefire Campaign). Individuals must have served in one or more of the following areas: the █, █, █, █, that portion of the Arabian Sea that lies north of 10 degrees north latitude, and west of 68 degrees east longitude, as well as the total land areas of █, █, █, █, █, █, █, r and █. A thorough review of your record failed to verify that you had served within the designated areas during this period<sup>2</sup>. Accordingly, given the totality of the circumstances, the Board determined 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,

1/6/2026

█

---

<sup>2</sup> Should you have evidence that supports your claim that you are entitled to the SWASM based on your deployment onboard █, the Board recommends you submit the evidence as part of your reconsideration application.