



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

██████████  
Docket No. 4774-25  
Ref: Signature Date

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██  
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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 5 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 18 February 1998. Your pre-enlistment physical examination, on 22 January 1998, and self-reported medical history both noted no psychiatric or neurologic issues, conditions, or symptoms. On 4 June 1998, you reported for duty on board the ██████████ (██████████) in ██████████, ██████████.

On 30 December 1998, a Navy Drug Screening Laboratory message indicated that you tested positive for cocaine. On 14 January 1999, you received non-judicial punishment (NJP) for the wrongful use of a controlled substance (cocaine). You did not appeal your NJP.

Consequently, your command notified you of administrative separation proceedings by reason of misconduct due to drug abuse. You waived your right in writing to request a hearing before an

administrative separation board. Your commanding officer recommended to the Separation Authority (SA) that you receive an under Other Than Honorable conditions (OTH) discharge characterization and the SA approved the recommendation. Ultimately, on 2 March 1999, you were so discharged and 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) shortly after arriving at your duty station in ██████████ on the ██████████, you received news that your mom was diagnosed with terminal cancer, (b) you took the news horribly and made an even worse decision to turn to alcohol and drugs instead of counseling, (c) you have hated yourself for a long time for making that massive mistake and regretted it almost every day since, but you gave your life to Jesus several years ago and have been completely clean and sober since, (d) you were able to spend a couple of years with your mom before she passed, but then lost your dad to cancer several years after that and you have been trying to heal and turn your life around not just for you but so that your two amazing sons can see it's never too late and to be a much better example for them, (e) you have worked very hard all these years to provide and did quite well until you got arrested but should be getting out soon, and (f) a discharge upgrade would be a huge step in helping you turn around, so you are praying for some mercy and grace from the Board to bless you with this and help keep you pushing forward. You also checked the "Other Mental Health<sup>1</sup>" 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 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 Navy 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 also noted that, although one's service is generally characterized at the time of discharge based on performance and conduct throughout the entire enlistment, the conduct or performance of duty reflected by only a single incident of misconduct may provide the underlying basis for discharge characterization. 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 determined that the record clearly reflected your 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.

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<sup>1</sup> Specifically, you wrote "Depression" next to the "Other Mental Health" box.

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 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 drug-related 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,

9/9/2025

