



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

█
Docket No. 4853-25

Ref: Signature Date

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Dear █

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. 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 8 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, 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).

During your enlistment processing you disclosed multiple infractions, including speeding infractions. You were subsequently granted enlistment waivers for pre-service marijuana use and possession, intentional damage/vandalism, minor in possession and consumption of alcohol, and a discharge from the Delayed Entry Program (DEP). On 15 August 1996, you enlisted in the Navy and began a period of active duty. On 10 December 1996, you were issued administrative remarks retaining you in the Navy while documenting your underage drinking and conduct in the civilian community. The remarks also informed you that failure to comply with the recommended corrective actions could result in administrative or disciplinary action.

On 1 April 1997, you received nonjudicial punishment (NJP) for violating failure to obey an order or regulation and for the wrongful use and introduction of marijuana. You were awarded forfeiture of \$450.45 pay for two months. A drug and alcohol abuse report concluded that you were not dependent on marijuana.¹ On 23 April 1997, a Summary Court-Martial (SCM) convicted you of wrongful possession of drug paraphernalia and the wrongful use of marijuana.

¹ On 8 April 1997, a substance abuse dependency screening identified you as a substance abuser, though no treatment was deemed necessary.

You were sentenced to confinement for 30 days and forfeitures of \$600.00 pay per month for one month. Consequently, you were notified of your pending administrative processing by reason of drug abuse and the commission of a serious offense; at which time you waived your procedural rights to consult with counsel and to have your case heard before an administrative discharge board. Ultimately, the separation authority directed you be discharged with an Other Than Honorable (OTH) characterization of service and you were so discharged on 9 June 1997.

The Board carefully considered all potentially mitigating factors to determine whether the interest 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 and your contentions that you were upgraded to a General (Under Honorable Conditions) and you are in need of a copy of your DD Form 214. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted solely of your DD Form 149 without any other additional information.

After a thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your NJP and SCM, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact that it involved drug offenses. 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 concluded your conduct showed a complete disregard for military authority and regulations, showed a pattern of misconduct, and was sufficiently pervasive and serious enough to negatively affect the good order and discipline of your command. Therefore, the Board determined that your discharge was proper and equitable under the standards of law and discipline and that the discharge accurately reflects your conduct during your period of service.

As a result, 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 the 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 is attached 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, _____

1/8/2026

