



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

██████████  
Docket No. 4950-25  
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 6 June 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 enlisted in the U.S. Navy and began a period of active duty service on 16 October 1985. Your pre-enlistment physical examination on, 30 August 1984, and self-reported medical history both noted no psychiatric or neurologic issues or symptoms. On 7 February 1986, you reported for duty on board the ██████████ in ██████████

On 3 July 1986, you received non-judicial punishment (NJP) for the wrongful use of a controlled substance (marijuana). You did not appeal your NJP.

On 8 May 1987, you received NJP for sleeping on watch. You did not appeal your NJP. On 24 May 1987, your command issued you a "Page 13" retention warning (Page 13) documenting your NJP. The Page 13 expressly advised you that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative discharge.

On 2 October 1987, you received NJP for the wrongful use of a controlled substance (marijuana) a second time. You did not appeal your NJP.

Your drug dependency screening, dated 2 October 1987, indicated: (a) no evidence of neurotic or psychotic disorder, (b) you were able to determine right from wrong, (c) no evidence of physiologic or psychologic addiction to drugs or alcohol, and (d) you were drug/alcohol dependent.

On 2 October 1987, your command notified you of administrative separation proceedings by reason of misconduct due to drug abuse, and misconduct due to the commission of a serious offense. You waived your rights to consult with counsel and to request an administrative separation board. In the interim, your separation physical examination noted no psychiatric or neurologic issues, symptoms, or conditions.

On 4 October 1987, your command recommended to the Separation Authority that you should receive an under Other Than Honorable conditions (OTH) discharge characterization. Ultimately, on 16 October 1987, you were separated from the Navy for misconduct with an OTH discharge characterization 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) there is no error and you were 100% at fault, (b) you were young and stupid and chose to be with the wrong people, (c) the shame made you choose a different direction in my life, (d) out of something bad something good happened, and if you could redo it you would choose different people to let in your life, (e) you are not looking for special treatment, but afterwards you changed your life, and your resume will testify to that fact, (f) it's been almost 40 years and this is the only black mark in your life, and (g) you now serve others. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted of your DD Form 149 and a copy of your resume.

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 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.

The Board further noted that your service record included three (3) NJPs and one (1) Page 13 warning. The Board concluded that your cumulative misconduct was not minor in nature and demonstrated a repeated failure to conform to basic military standards of good order and discipline, all of which further justified your OTH characterization.

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. While the Board carefully considered the evidence you submitted in mitigation and appreciates your expression of remorse, 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. Ultimately, the Board concluded the mitigation evidence you provided was insufficient to outweigh the seriousness of your misconduct. 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,

6/16/2025

