



Docket No. 5232-25
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED],
USN, XXX-XX-[REDACTED]

Ref: (a) 10 U.S.C. § 1552
(b) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 w/ enclosures

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board) requesting that his discharge be upgraded and that his narrative reason for separation be changed to Secretarial Authority. Enclosure (1) applies.
2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 6 March 2026 and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, applicable statutes, regulations, and policies, to include reference (b).
3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:
 - a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. Although Petitioner's 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 the case on its merits.
 - b. Petitioner enlisted in the Navy and began a period of active duty on 23 June 1987. During his enlistment processing, Petitioner admitted to a pre-service history of marijuana use.
 - c. On 8 January 1990, Petitioner absented himself without authority and remained absent until 11 January 1990.
 - d. In February of 1990, a message from the Naval Drug Laboratory reported Petitioner positive for metabolites of amphetamine and/or methamphetamine. As a result, he received nonjudicial punishment (NJP) for violating Article 112a, Uniform Code of Military Justice (UCMJ), due to wrongful use of a controlled substance.

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e. On 6 March 1990, Petitioner was notified of processing for administrative separation by reason of misconduct due to drug abuse. He subsequently requested to exercise his right to a hearing before an administrative separation board.

f. On 27 April 1990, the hearing was convened and the members unanimously found the basis for separation to be substantiated. They also unanimously recommended that Petitioner be administratively discharge. One member recommended a General (Under Honorable Conditions) discharge whereas two members recommended a discharge under Other Than Honorable (OTH) conditions.¹

g. On 21 May 1990, Commander, Naval Military Personnel Command approved Petitioner's discharge under OTH conditions, specifying a narrative reason for separation of misconduct for "drug abuse (use)." Petitioner was so discharged on 28 June 1990.

h. Petitioner contends that his discharge is an injustice because he has built a successful career and has provided for his family and community. He would like to reclaim his honor and restore his good name. He provided context for his misconduct, explaining that his grandmother passed away on Christmas Day 1989, which left him sad and depressed. During that period, he got mixed up with the wrong person while off duty, and he used drugs when he never should have. It was the biggest mistake of his life and he regrets it daily. In the years since his discharge, he has built a career working at a non-profit integrated health clinic, he lives near his elderly parents and assists them with errands, volunteers at the rescue mission feeding the homeless, and provided carpool service for his wife's friend while she received leukemia treatment. In support of his contentions, in addition to his legal counsel's brief and his personal statement, he submitted five character letters and his resume.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concluded that Petitioner's request warrants relief.

The Board initially concluded Petitioner was appropriately processed for administrative separation based on his record of misconduct. While the Board carefully considered Petitioner's contention of mitigation, the Board noted he admitted to committing the misconduct that formed the basis of his administrative separation and OTH discharge. Therefore, the Board determined the presumption of regularity applies to Petitioner's administrative separation and no error exists with his record.

The Board also considered the totality of the circumstances to determine whether equitable relief was warranted in the interests of justice in accordance with the Wilkie Memo. In this regard, the Board considered, amongst other factors, Petitioner's desire for an upgrade to his characterization of service, his contentions, the totality of his service, the non-violent nature of his misconduct, his relative youth and immaturity at the time of your misconduct, the negative

¹ Petitioner's record does not contain a minority report nor is one mentioned in the commanding officer's forwarding endorsement.

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effect his discharge has had on his life, his rehabilitation efforts, his post-service record of accomplishments, his candor and remorse, his service to your community, the evidence he provided in support of his application, the character references he provided for review, and the passage of time since his discharge.

The Board found that the mitigating factors were not nearly sufficient to justify any equitable relief. Specifically, the Board found his personal statement sincerely apologetic and his post-discharge character and accomplishments reflective of rehabilitation. As a result, the Board concluded that the favorable factors Petitioner submitted for consideration of clemency significantly outweighed the misconduct evidenced by his single NJP for drug abuse. Accordingly, the Board determined that it is in the interest of justice to upgrade Petitioner's characterization of service to Honorable and change his reason for separation, separation code, and separation authority to reflect a Secretarial Authority discharge.

Notwithstanding the recommended corrective action below, the Board determined Petitioner's assigned reentry code remains appropriate in light of his drug abuse and unsuitability for further military service. While the Board applied the same mitigation factors discussed above, after taking into consideration the significant clemency being recommended below, concluded that any injustice in Petitioner's record is adequately addressed.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating that, for the period ending on 28 June 1987, he was discharged with an "HONORABLE" characterization of service, separation authority of "MILPERSMAN 3630900," separation reason of "Secretary Plenary Authority," and separation code of "JFF." All other information on the DD Form 214 shall remained the same.

Petitioner shall be issued an Honorable discharge certificate.

That no further changes be made to Petitioner's record.

A copy of this report of proceedings be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above-entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing

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corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

3/27/2026

