



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

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Docket No. 5626-25  
Ref: Signature Date

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Dear Petitioner:

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, 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).

During your enlistment processing you disclosed pre-service drug use and traffic infractions. On 26 March 1979, you enlisted in the Navy for a six-year term and began a period of active duty. On 23 November 1979, you received nonjudicial punishment (NJP) for wrongful possession and disobeying a lawful order. A 20 December 1979 Naval Speedletter documents that you were not drug dependent, noting "hashish/infrequent on liberty/2 Nov 79," that when counseling was completed you be retained in service, and that a written warning had been made a part of your service record. On 16 May 1980, you received a second NJP for being unauthorized absence from your appointed place of duty and for being intoxicated in a duty status. On 15 April 1983, you received a third NJP for the wrongful use of cannabinoids<sup>1</sup>. Consequently, you were notified of your pending administrative processing by reason of misconduct due to a pattern of misconduct and drug abuse, at which time you elected your procedural right to consult with counsel and to present your case to an administrative discharge board. On 5 August 1983, an administrative discharge board (ADB) was held and determined that a preponderance of the

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<sup>1</sup> On 29 August 1983, it was determined that you were not psychologically or physically dependent on alcohol or marijuana, and therapy was not recommended.

evidence supported a finding of misconduct for a pattern of misconduct and drug abuse. The ADB recommended that you be separated from the Navy with an Other Than Honorable (OTH) characterization of service. On 12 October 1983, you received a civil conviction for riding without a helmet and driving under the influence. Ultimately, the separation authority directed you be discharged with an Other Than Honorable (OTH) characterization of service and you were so discharged on 1 February 1984.

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: (1) you were unjustly punished for your first and only offense of testing positive for THC, (2) according to Article 112, knowingly using a controlled substance is illegal. You unknowingly consumed marijuana while attending a party and being intoxicated, (3) in hindsight, the combination of these actions resulted in a poor decision, (4) at the time, you were experiencing personal turmoil, including a separation from your wife, who was taking everything from you, (5) she was unfaithful and pregnant with your best friend's child. The penalty for your actions felt too harsh in light of these circumstances, (6) following this, you lost your will to live after making a decision that only harmed yourself, something you deeply regret, and (7) you respectfully request that your discharge be upgraded to reflect the honorable nature of your years of service. Additionally, the Board noted you checked the "Post Traumatic Stress Disorder," and "Other Mental Health" boxes on your application but did not provide evidence in support of your claims<sup>2</sup>. 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 your misconduct, as evidenced by your NJPs and civil conviction, 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 was not persuaded by your argument of innocent ingestion and noted that you provided no evidence, other than your statement, to substantiate your claim. The Board also concluded that your conduct showed a complete disregard for military authority and regulations. The Board noted that you were provided several opportunities to correct your conduct deficiencies but continued to commit additional misconduct; which led to your OTH discharge. Finally, the Board determined that an Honorable discharge was appropriate only if the member's service was otherwise so meritorious that any other characterization of service would be clearly inappropriate.

Therefore, the Board concluded that your discharge was proper and equitable under standards of law and discipline and that the discharge accurately reflects your conduct during your period of service. 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

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<sup>2</sup> The Board also considered that there is no reasonable nexus between a mental health condition and your drug abuse misconduct since you claim you innocently ingested the marijuana.

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

