



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

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Docket No. 5811-25
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to 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 29 August 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 Navy and began active duty on 29 April 1974. After a period of continuous Honorable service, you immediately reenlisted and commenced a third period of active duty, on 26 July 1984, while stationed aboard the █. On 17 June 1985, you received non-judicial punishment (NJP) for wrongfully use of cocaine. On 24 June 1985, you received an administrative remarks (Page 13) counseling where it was explained that a continuation of your past performance may disqualify you from receiving an Honorable discharge. On 24 September 1985, you received another Page 13 counseling concerning a developing pattern of misconduct and substandard performance of your duties. You were advised that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative discharge. On 27 September 1985 you received a letter of Substandard Service from the Naval Military Personnel Command warning you that the Petty Officer Quality Control Board had determined that your behavior had not been maintained at the level required of a petty officer. On 11 October 1985, you received another NJP for failure to obey a lawful order. You received an additional Page 13 counseling, on 19 November 1985, regarding a demonstrated pattern of conduct and your unwillingness to participate in a drug abuse rehabilitation program.

On 17 April 1986, you began a period of unauthorized absence that lasted approximately two days; for which you received an additional NJP on 23 April 1986.

Consequently, you were notified of pending administrative separation proceedings by reason of misconduct due to a pattern of misconduct and drug abuse. You were informed that the least favorable characterization of service you may receive is Under Other Than Honorable (OTH) conditions. You waived your right to consult with counsel and to present your case to an administrative discharge board. The commanding officer (CO) forwarded your administrative separation package to the separation authority recommending your administrative discharge from the Navy. As part of the CO's recommendation, he stated in pertinent part:

[Petitioner] has demonstrated erratic military conduct ranging from marginally satisfactory to unsatisfactory since his first NJP at this command... Since that time he has become a significant administrative burden to the command. His conduct as a second class petty officer has had a negative influence on his shipmates and created an unproductive work environment in our administrative department. I have personally invested over 50 man-hours in his case, and numerous counseling sessions by me, the Executive Officer and others has failed to correct his conduct and attitude. [Petitioner] advised me he wants out of the Navy and in my opinion his usefulness for further service is not worth the effort being expended to gain commensurate productivity. I recommend expeditious separation with a discharge appropriate to his record of service.

The separation authority approved the recommendation and you were so discharged on 8 July 1986.

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 to upgrade your discharge character of service in consideration of your prior years of service and contentions that: (1) at the time of your discharge you were going through an immense amount of emotional stress, and (2) you were told that your discharge was under Honorable conditions. 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 your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your administrative counselings and NJPs in your final enlistment, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact it included a drug offense. 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 also found that your conduct showed a complete disregard for military authority and regulations. The Board observed you were given multiple opportunities to correct your conduct deficiencies but chose to continue to commit misconduct; which led to your OTH discharge. Your conduct not only showed a pattern of misconduct but was sufficiently pervasive and serious to negatively affect the good order and discipline of your command. The Board determined the record reflected that your

misconduct was intentional, willful, and persistent, and demonstrated you were unfit for further service. Finally, the Board noted you provided no evidence, other than your statement, to substantiate your contentions.

As a result, the Board determined that there was no impropriety or inequity in your discharge and concluded that your 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 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,

9/8/2025

