



13) counseling concerning deficiencies in your performance and/or conduct. You were advised that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative discharge.

3. On 12 February 1985, you were issued Page 13 counseling concerning wrongful appropriation of government property. You were again advised that any further deficiencies in your performance and/or conduct may result in disciplinary action and in processing for administrative discharge.

4. On 14 March 1985, you received non-judicial punishment (NJP) for wrongful use of marijuana.

5. On 20 April 1985, you received Page 13 counseling regarding positive urinalysis for cocaine, codeine, and morphine from a urine sample you submitted on 6 March 1985.

6. On 21 August 1985, you received Page 13 counseling regarding your completion of Residential Drug Rehabilitation counseling and signed an acknowledgement that "that residential drug rehabilitation is a one-time opportunity per career and that a return to drug abuse behavior will be grounds for a punitive or other than honorable discharge."

7. On 5 October 1985, you received Page 13 counseling that your 30 May 1985 urine sample tested positive for cannabinoids. Based on your record, it appears you were subject to NJP for your drug abuse but all your punishment was suspended.

8. On 25 October 1985, you commenced a period of unauthorized absence (UA) that ended in your surrender on 28 October 1985.

9. Between June 1986 and January 1987, you received Page 13 counseling three separate times for substandard appearance, responsibility, and substandard appearance respectively.

10. On 6 February 1987, your command received notification that your 30 June 1987 urine sample tested positive for Tetrahydrocannabinol (THC). On 6 March 1987, you received NJP for wrongful use of marijuana.

11. Consequently, you were notified of pending administrative separation processing with an Under Other Than Honorable conditions (OTH) discharge by reason of misconduct due to drug abuse and pattern of misconduct. You consulted with legal counsel, elected to submit a statement, and waive your right to have your case heard by an administrative discharge board. In your statement, you stated that you had not used drugs for over a year and that your sample was tampered with because people found out you were working with Naval Investigative Services.

12. On 1 April 1987, you were evaluated by the Counseling and Assistance Center (CAAC) and were found to be psychologically dependent on drugs and a treatment failure due to your previous treatment and subsequent positive urinalysis. The CAAC also determined that you should be held strictly accountable for your actions.

13. Ultimately, the separation authority directed your discharge with an OTH characterization of service due to drug abuse and you were so discharged on 4 June 1987.

After careful review, the Board reached the following conclusions and denied your application for relief.

The Board initially concluded you were appropriately processed for administrative separation based on your record of misconduct. While the Board carefully considered your contention for mitigation and that you initially alleged your urine sample was tainted by tampering, the Board noted you now do not deny committing the misconduct. Therefore, the Board determined the presumption of regularity applies to the finding that you committed the misconduct that formed the basis of your administrative separation and no error exists with your OTH characterization of service.

However, because you raised the issue of mental health, the Board applied liberal consideration to your claim that you suffered from a mental health condition, and to the effect that this condition may have had upon the conduct for which you were discharged in accordance with the Hagel and Kurta Memos. Applying such liberal consideration, the Board found insufficient evidence of a diagnosis of mental health condition that may be attributed to military service. This conclusion is supported by the fact you provided no medical evidence in support of your claim. Additionally, even applying liberal consideration, the Board found insufficient evidence to conclude that the misconduct for which you were discharged was excused or mitigated by your mental health condition. In this regard, the Board simply had insufficient information available upon which to make such a conclusion. Moreover, even if the Board assumed that your misconduct was somehow attributable to any mental health conditions, the Board unequivocally concluded that the severity of your serious misconduct more than outweighed the potential mitigation offered by any mental health conditions.

In addition to applying liberal consideration to your claimed mental health condition and its potential effect upon your conduct in accordance with the Hagel and Kurta Memos, the Board also considered the totality of the circumstances to determine whether equitable relief is warranted in the interests of justice in accordance with the Wilkie Memo. In this regard, the Board considered, amongst other factors, your contentions, the totality of your service, your need for veterans' benefits, the non-violent nature of your misconduct, your relative youth and immaturity at the time of your misconduct, the negative effect your discharge has had on your life, your current candor and remorse, your claimed mental health issues, the personal family circumstances you contend mitigate your misconduct, your advanced age, and the passage of time since your discharge.

The Board found that the mitigating factors were not nearly sufficient to justify any equitable relief. Specifically, the Board found that the severity of your misconduct far outweighed all of the mitigating factors combined. In particular, 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. Further, the Board 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. Additionally, the Board noted that you provided no evidence, other than your statement, to support your contentions. Finally, the Board believed that it would be unjust to characterize your less than honorable service in the same manner as the service of the thousands of service members who, unlike you, honorably completed their enlistments without engaging in misconduct warranting the early curtailment of their service. Therefore, the Board did not find an upgrade of your discharge to General (Under Honorable Conditions) or Honorable to be warranted in the interests of justice. While the Board understands your desire for veterans' benefits, 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,

2/24/2026

