



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 22204

██████████
Docket No. 6043-25
Ref: Signature Date

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████████████████████

Dear ██████████

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 9 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).

You enlisted in the U.S Navy Reserve and began a period of active duty on 25 June 1982. Upon entry onto active duty, you were granted a waiver for illegal use of marijuana while in the Delayed Entry Program. You were discharged with an Honorable characterization of service at the expiration of your term of active obligated service on 25 June 1985. On 1 August 1985, you reenlisted in the U.S. Navy and began a period of active duty. On 28 March 1986, you received non-judicial punishment (NJP) for wrongful use of marijuana. On 27 June 1986, you received a second NJP for wrongful use of marijuana.

Unfortunately, some documents pertinent to your administrative separation are not in your official military personnel file (OMPF). Notwithstanding, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. Your Certificate of Release or Discharge from Active Duty (DD Form 214) reveals that you were separated from the Navy, on 1 August 1986, with an Other Than Honorable (OTH) characterization of service,

narrative reason for separation of “Misconduct – Drug Abuse,” separation code of “HKK,” and reentry code of “RE-4.”

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 your drug abuse incident was your first and only offense while serving both enlistments for the Navy. You contend you were an abiding and Honorable soldier for the Navy for four plus years. You go on to contend in your second enlistment you served honorably for eleven months overseas up until your misconduct occurred. For purposes of clemency and equity consideration, the Board considered the totality of your application, which consisted of your DD Form 149, a personal statement, and your DD Form 214s.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your two NJPs, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact it included drug offenses. The Board determined that illegal drug use and possession 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. Furthermore, the Board was not persuaded by your contention that you were discharged for your first and only offense since your record contains a total of three NJPs¹. Based on your second drug offense committed within three months of your initial offense, the Board found your assigned OTH characterization to be appropriate.

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 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

¹ While the Board did not consider your NJP in your first enlistment for the purpose of determining whether your assigned OTH characterization of service was appropriate, it considered it in light of your claim that you committed a single offense during your entire naval career. Specifically, in referring to your first enlistment, you stated, “I served these three years as an honorable soldier with no misconduct...”

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,

1/2/2026

