



4. From 6 June 1989 to 5 July 1989, you had three periods of unauthorized absence, for one-and-a-half hours, one day, and four hours, respectively.
5. On 24 August 1989, your command received notification of your positive urinalysis for amphetamine/methamphetamine.
6. On 30 August 1989, you received NJP for UA and failure to obey a lawful order.
7. On 11 September 1989, you were enrolled in the Naval Alcohol and Drug Safety (NADSAP) program. However, you were disenrolled for repeated UA on 14 September 1989.
8. In September 1989, you were medically evaluated for your substance abuse and determined to be an abuser of amphetamines. You were recommended for Level II treatment but also recommended for administrative separation.
9. On 19 September 1989, your command received another notification of your positive urinalysis for amphetamine/methamphetamine.
10. On 25 September 1989, you received NJP for four specifications of UA. You were also re-screened by a medical officer who determined you were psychologically dependent on drugs in spite of your denial of use. The medical officer determined you should be held responsible for your actions and recommended administrative separation and post-discharge treatment.
11. On 26 September 1989, 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. You elected to consult with legal counsel and subsequently waived your rights to submit a statement or have your case heard by an administrative discharge board.
12. Between 7 October 1989 and 19 October 1989, you had four periods of UA, for two hours, twenty minutes, two hours, and forty-five minutes, respectively.
13. On 27 October 1989, you declined post-discharge substance abuse treatment.
14. On 31 October 1989, you received your final NJP. However, the charges and specifications are not in your record.
15. On 6 November 1989, you commenced a twenty-eight-day period of UA that ended in your apprehension by civil authorities.
16. On 5 February 1990, you were found guilty at Special Court Martial (SPCM) of wrongful use of amphetamine/methamphetamine, wrongful disposition of military property, and UA. As part of your sentence, you were awarded a Bad Conduct Discharge (BCD). Subsequently, the findings and sentence in your SPCM were affirmed and you were issued a BCD on 12 December 1990.

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

The Board initially concluded you were appropriately discharged with a BCD based on your SPCM conviction and sentence. While the Board carefully considered your contention for mitigation, the Board noted you did not deny committing the misconduct that formed the basis of your multiple NJPs, positive urinalyses, and SPCM conviction. Therefore, the Board determined the presumption of regularity applies to your SPCM conviction and punitive discharge, and no error exists with your 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, 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 rehabilitation efforts, your candor and remorse, the harshness of your punishment, 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 BCD. 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. Even taking into consideration your youth, the circumstances you faced while you were in Naval service due to your drug addiction, and your post-service rehabilitation efforts, the Board found your multiple instances of drug abuse and other serious misconduct outweighed the mitigation evidence offered. Finally, the Board considered that the fact you provided no evidence, other than your statement, in support of your application. While the Board acknowledged your continued efforts to maintain sobriety, 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,

3/12/2026

