

On 22 February 2002, you received your third NJP for a period UA. On 26 February 2002, you provided a voluntary statement, in your statement, you stated, in part:

On or about Saturday the 16th of February 2002, I was in the █ area of █ when I purchased one tablet of ecstasy for \$12 from an individual on the street....I left this tablet at my residence....until I brought it with me to the base....Once at the beach, the other individual smoked some marijuana, which he had brought with him and shortly thereafter, I took the tablet of ecstasy. Later in the same evening, I smoked some of the marijuana.....using a small cigarette type pipe.....I have been using ecstasy on and off almost every other weekend since June of last year.

On 28 February 2002, you received your fourth NJP for wrongfully introducing ecstasy onto an installation used by the armed forces or under the control of the armed forces and wrongful use of ecstasy.

Consequently, you were notified that you were being recommended for administrative discharge from the Navy by reason of misconduct due to 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] pled guilty to ecstasy and marijuana use and introduction of ecstasy onto █. [Petitioner] has been given every opportunity to conform with naval standards. His blatant disregard for the rules and regulations, including the Navy's "Zero Tolerance" policy, demonstrated his unwillingness to conform with military standards. [Petitioner] should be separated from the military service with an Other Than Honorable discharge as soon as possible.

Ultimately, the separation authority approved the recommendation and directed your administrative discharge with an OTH characterization of service by reason of misconduct due to pattern of misconduct. On 7 March 2002, you were so discharged and assigned an RE-4 reenry code. Prior to your administrative discharge, you were offered and refused Drug and Alcohol Treatment at a military treatment facility.

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 change your reenlistment code from RE-4 to "anything better" and your contentions that: (1) your friend wanted to get kicked out and asked you to say that you saw him doing drugs, which you did; however, you were not aware that there was a policy of "say something if you see something" which made you guilty as your friend and (2) you thought that you were helping a friend and got caught up in the aftermath; you were not a bad █ and received ribbons and awards. For purposes of clemency and equity

consideration, the Board considered the totality of your application, which included your DD Form 149 and your personal statement.

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 four NJPs, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact 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 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. Further, the Board found that your misconduct was intentional and made you unsuitable for continued naval service. Furthermore, the Board determined that the evidence of record did not demonstrate that you were not responsible for your conduct or that you should otherwise not be held accountable for your actions. As pointed out by your CO and contrary to your contention, you pleaded guilty to your drug abuse and introduction of drugs onto a military installation. Further, you were subject to three additional NJPs for UA related misconduct. Finally, the Board discerned no procedural defect, impropriety, or inequity in your assignment of a RE-4 reentry code and determined the assignment of your RE-4 reentry code was appropriately assigned in accordance with authorized regulatory guidance.

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. While the Board commends you on your desire to enter the National Guard, 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,

1/2/2026

