

You were informed of the basis for this recommendation and that the least favorable characterization of service you may receive is Under Other Than Honorable (OTH) conditions. You elected your right to consult with counsel and to present your case to an administrative discharge board (ADB). On 28 November 1990, the ADB was convened and found the preponderance of the evidence supported a finding that you committed misconduct for both bases and recommended your administrative discharge from the Navy with an OTH characterization of service. 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] used amphetamine/methamphetamine by his own admission. However, he has given the Navy forty-one months of dedicated service. When he illegally used the controlled substance, he was under a great deal of pressure and was going and was going through a very difficult time in his personal life. I do not feel that he deserves a discharged Under Other Than conditions because of an error in judgement during a difficult time. Also, when he missed ship's movements, he took the appropriate actions and his punishment was mitigated solely a forfeiture. Therefore, I disagree with the Board's recommendation of an OTH discharge and recommend a General (Under Honorable Conditions) discharge from the naval service be awarded.

The separation authority approved the recommendation for administrative discharge; however, directed an OTH characterization of service by reason of misconduct due to commission of a serious offense. You were so discharged on 23 January 1991.

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 and contention that you may have innocently ingested drugs while you were attending a concert. You assert that since your discharge you have been driving a truck and you have taken plenty of preemployment and random drug screenings; all of which have come out clean. For purposes of clemency and equity consideration, the Board considered the totality of your application; which included your DD Form 149, your personal statement, and a letter from your employer.

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 NJPs, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact it involved 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 an opportunity 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 actions¹.

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 carefully considered the evidence you submitted in mitigation, 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. 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 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,

1/14/2026



¹ The Board took into consideration that your commanding officer, while advocating for a better discharge characterization of service for you, documented your admission of drug abuse to him. Therefore, the Board was not persuaded by your contention of innocent ingestion and questioned your candor in this matter.