



3. On 1 February 2000, you received a substance abuse evaluation and were determined to be an abuser, not dependent.

4. On 17 February 2000, you received non-judicial punishment (NJP) for wrongful use of marijuana.

5. On 22 March 2000, 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 requested an administrative discharge board (ADB) prior to consulting with counsel.

6. On 16 May 2000, you submitted a conditional waiver via counsel, offering to waive your ADB in exchange for a one-year suspension of your discharge. However, your conditional waiver was disapproved on 18 May 2000.

7. On 8 November 2000, the ADB was convened, found that you had committed drug abuse, and recommended that you be discharged under OTH conditions. The separation authority concurred with the ADB and directed your discharge. You were so discharged on 16 January 2001.

8. Post-discharge, you applied to the Naval Discharge Review Board (NDRB) for a discharge upgrade. The NDRB denied your request for an upgrade, on 17 December 2002, based on their determination that your discharge was proper as issued.

In your application to this Board, you express a desire for your discharge character of service be upgraded and contend that:

1. You made a mistake while home on leave, it was an isolated incident, and your command made an example out of you.

2. While your urinalysis was negative, you did smoke marijuana the one time.

3. You have post-discharge good conduct.

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 of mitigation, the Board noted you admitted to committing the misconduct that formed the basis of your administrative separation and OTH discharge. Therefore, the Board determined the presumption of regularity applies to your administrative separation 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 desire for an upgrade to your characterization of service, your contentions, the totality of your service, 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 post-service record of accomplishments, your candor and remorse, the character references you provided for review, 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. The Board also noted the testimony of your supervisor who stated that pilots in the squadron were nervous when “someone who works with [air]planes pops positive or confesses to using drugs.” This was significant aggravating evidence to the Board who considered agreed that the potential danger to pilots and equipment becomes exponentially more so when drug use by maintenance personnel exists. Additionally, there is no precedent within this Board’s review for minimizing the one-time, isolated incident. As with each case before the Board, the seriousness of a single act must be judged on its own merit, it can neither be excused nor extenuated solely on its isolation. Therefore, even taking into consideration all the mitigation factors in your case, the Board found that your misconduct while on active duty outweighed the mitigation evidence offered. While the Board commends you for your post-service accomplishments and acknowledged the personal difficulties you have endured, 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,

3/24/2026

