



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

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Docket No. 7387-25
Ref: Signature Date

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Dear Petitioner:

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 16 September 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 Navy after admitting to pre-service use of marijuana and began active duty on 27 August 1979. On 3 May 1981, you reported to █ duty. On 5 November 1981, you received non-judicial punishment (NJP) for possession of marijuana and use of a controlled substance. You received your second NJP, on 14 January 1982, for possession of a controlled substance, reckless driving, driving on expired license plates, and driving with a suspended driver's license.

Consequently, you were notified of pending administrative separation proceedings by reason of misconduct due to 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 you be discharge from the Navy with an OTH characterization of service. As part of the CO's recommendation, he stated in pertinent part:

[Petitioner] has been counseled on a local basis in accordance with the requirements... to no avail. He has not been diagnosed as drug dependent but continues to use and possess drugs on military installations. Drug disposition reports have been sent following each drug related mast. In light of the new zero drug tolerance program as announced by ██████ it is strongly recommended that [Petitioner] be discharged from the Navy with an OTH conditions discharge.

On, 9 February 1982, you received an administrative remarks (Page 13) counseling in which you acknowledge having been diagnosed as psychologically dependent upon drugs, again waived your right to counsel, refused rehabilitation, and stated your desire for immediate discharge. The separation authority approved the CO's recommendation, and you were so discharged on 26 March 1982.

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 contentions that: (1) you were unfairly convicted of drug possession, (2) the drugs had been found under a seat of the used vehicle you had purchased, and (3) you have led a successful post-discharge career and life. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted of your DD Form 149, your personal statement, and character references.

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 included multiple 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. 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. The Board determined the record reflected that your misconduct was intentional, willful, and persistent, and demonstrated you were unfit for further service. Finally, the Board noted you provided no evidence, other than your statement, to substantiate your contention that the drugs found in your vehicle were not yours. Regardless, the Board found your incidents of drug abuse were sufficient to support your administrative separation and assigned characterization of service.

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,

9/17/2025

