



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

██████████
Docket No. 7401-25
Ref: Signature Date

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Dear ██████████

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 father's 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 27 January 2026. 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, applicable statutes, regulations, and policies, to include the Kurta Memo and the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice, or clemency determinations (Wilkie Memo).

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

The following is the relevant factual background of your case based upon review of your naval record and/or the matters provided with your application:

1. You enlisted in the Navy and commenced a period of active duty on 21 August 1978. After a period of continuous Honorable service, you immediately reenlisted and commenced a second period of active duty with the Navy on 19 April 1983.
2. You tested positive for marijuana use after a unit sweep on 17 September 1984. On 14 November 1984, a Substance Abuse Evaluation determined you were fit for duty and accountable for your actions. On 5 December 1984, you received non-judicial punishment (NJP)

for failure to obey a lawful order and wrongfully using marijuana. Subsequently, a Substance Abuse Report determined you exhibited good potential for further military service pending completion of a Level I outpatient treatment program.

3. On 28 May 1985, a summary court-martial (SCM) convicted you of 20 specifications of failure to go at time prescribed to appointed place of duty, wrongfully appropriating a military pick-up truck, and wrongfully processing a military identification card (ID).

4. On 31 July 1985, you received NJP for four specifications of failure to go at time prescribed to appointed place of duty, disobeying a lawful order, and disrespectful in language toward a superior petty officer.

5. On 2 January 1986, a general court-martial (GCM) convicted you of wrongful disposition of government property valued at \$4,734.63, wrongful use of cocaine, wrongful use of marijuana, breaking restriction, eight specifications of absence from appointed place of duty, wrongful disposition of government property valued at \$60, seven specifications of UA totaling six days, seven hours and 45 minutes, and larceny of government property valued at \$372.84. As a result, you were sentenced to confinement for 18 months, forfeiture of pay, reduction to E-1, and a Dishonorable Discharge (DD). After completion of all levels of review, you were so discharged on 3 March 1987.

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 DD based on your GCM conviction. While the Board carefully considered your contention for mitigation and denial of some of the charges of which you were convicted, the Board noted you provided no evidence, other than your statement, to substantiate your contentions. Further, the Board considered that you did not deny committing a majority of your misconduct; which included multiple drug abuse charges. Therefore, the Board determined the presumption of regularity applies to the finding that you committed the misconduct that formed the basis of your punitive discharge and were properly separated for misconduct with DD.

The Board applied liberal consideration to your claim that you suffered from a mental health condition, and to the effect that this condition may have had upon the conduct for which you were discharged in accordance with the Kurta Memo. Applying such liberal consideration, the Board found insufficient evidence of a diagnosis of mental health condition that may be attributed to military service. This conclusion is supported by the fact you provided no medical evidence in support of your claim and did not respond to the Board's request for supporting evidence. Additionally, even applying liberal consideration, the Board found insufficient evidence to conclude that the misconduct for which you were discharged was excused or mitigated by your mental health condition. In this regard, the Board simply had insufficient information available upon which to make such a conclusion. Moreover, even if the Board assumed that your misconduct was somehow attributable to any mental health conditions, the

Board unequivocally concluded that the severity of your serious misconduct more than outweighed the potential mitigation offered by any mental health conditions.

In addition to applying liberal consideration to your claimed mental health condition and its potential effect upon your conduct in accordance with the Kurta Memo, the Board also considered the totality of the circumstances to determine whether equitable relief is warranted in the interests of justice in accordance with the Wilkie Memo. In this regard, the Board considered, amongst other factors, the totality of your service, your need for veterans' benefits¹, 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, 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 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 DD. 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. Moreover, the Board noted that, although one's service is generally characterized at the time of discharge based on performance and conduct throughout the entire enlistment, the conduct or performance of duty reflected by only several incidents of misconduct may provide the underlying basis for discharge characterization. However, contrary to your contention that your service was Honorable, the Board observed that you were involved in two NJPs, a SCM, and GCM that spanned almost the entirety of your second enlistment period. Finally, the Board believed that it would be unjust to characterize your less than honorable service in the same manner as the service of the thousands of service members who, unlike you, honorably completed their enlistments without engaging in misconduct warranting the early curtailment of their service. Therefore, the Board did not find an upgrade of your discharge to Other Than Honorable, General (Under Honorable Conditions), or Honorable to be warranted in the interests of justice.

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

¹ The Board observed that you are likely eligible for Department of Veterans Affairs (VA) compensation and pension benefits based on your period of continuous Honorable service. This is documented by your first DD Form 214. However, eligibility for such benefits remain exclusively under the cognizance of the VA and the Board recommends you contact them directly.

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,

2/12/2026

