



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 22204

██████████
Docket No. 7478-25
Ref: Signature Date

████████████████████
██
████████████████████

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.

Because your application was submitted with new evidence not previously considered, the Board found it in the interest of justice to review your application. A three-member panel of the Board, sitting in executive session, considered your application on 2 March 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 this 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 August 2017 guidance from the Office of the Under Secretary of Defense for Personnel and Readiness (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). Additionally, the Board also considered an advisory opinion (AO) furnished by qualified mental health provider. Although you were provided with an opportunity to respond to the AO, you chose not to do so.

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.

You previously applied to this Board for an upgrade to your characterization of service and were denied relief on 14 February 2014. The summary of your service remains consistent with that addressed in the Board's most recent decision.

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 began a period of active duty on 11 July 1983.
2. On 9 August 1985, you received nonjudicial punishment (NJP) for violating Uniform Code of Military Justice (UCMJ), Article 112a (wrongful use of marijuana) and were awarded reduction in rank, 30 days extra duties, restriction to the ship for 30 days, and forfeiture of \$200 pay per month for 2 months.
3. On 10 January 1986, you received a second NJP for violating UCMJ, Article 112a (wrongful use of marijuana.) You were awarded restriction to the ship for 30 days, 30 days extra duties, reduction in rank, and forfeiture of \$300 pay per month for 2 months.
4. On 5 March 1986, Commanding Officer (CO), ██████████ notified you that administrative separation proceedings were being initiated against you on the basis of misconduct due to drug abuse. You acknowledged your rights on 6 March 1986 and indicated that you had consulted with counsel and elected not to request an Administrative Board.
5. Ultimately, on 21 March 1986, you were discharged from the Navy on the basis of Misconduct-Drug Abuse with an Other Than Honorable (OTH) characterization of service and a reentry code of RE-4.

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

1. You are different from the young man you were during the time of your Naval service.
2. You were self-medicating due to nightmares.

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 for mitigation, the Board noted you were found guilty of wrongfully using marijuana on two separate occasions. Following your second NJP for wrongful use of marijuana, you were notified of your rights and availed yourself of the opportunity to consult with counsel prior to being administratively separated on the basis of Misconduct-Drug Abuse. The Board determined the presumption of regularity applies to the finding that you committed the misconduct that formed the basis of your administrative separation and no error exists with your OTH characterization of service.

However, because you raised the issue of mental health, the Board also requested an AO. As part of the Board's review, a licensed clinical psychologist reviewed your contentions and the available records and issued an AO on 19 December 2025. The AO stated in pertinent part:

There is no evidence that he was diagnosed with a mental health condition in military service. Temporally remote to his military service, he has

received extensive treatment for a mental health concern that appears unrelated to his military service. Unfortunately, available records are not sufficiently detailed to attribute his misconduct to a mental health condition. Additional records (e.g., post-service mental health records describing the Petitioner's diagnosis, symptoms, and their specific link to his misconduct) may aid in rendering an alternate opinion.

The AO concluded that "Based on a review of all available evidence, it is my considered clinical opinion that there is insufficient evidence of a mental health condition that may be attributed to military service. There is insufficient evidence that his misconduct may be attributed to a mental health condition."

The Board applied liberal consideration to your claim to have been experiencing mental health conditions while you were on active duty, and to the effect that these conditions may have had upon the conduct for which you were discharged in accordance with the Kurta Memo. Applying such liberal consideration, the Board found while you provided post-service treatment records, the evidence available is insufficient to conclude that you may have developed or been experiencing a mental health condition during your active-duty service. This conclusion is supported by the AO and consistent with your post-service medical records. Additionally, even applying liberal consideration and if the Board assumed that your misconduct was somehow attributable to any mental health conditions, the Board unequivocally concluded that the severity of your repeated wrongful use of marijuana while on active duty outweighed the potential mitigation offered by any mental health conditions.

In addition to applying liberal consideration to your claimed mental health conditions and their potential effect upon your conduct in accordance with the Hagel and Kurta Memos, 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, your contentions that you are no longer the same person, your youth at the time of your Naval service, your rehabilitation efforts, your post service contributions to your community, your mental health issues, 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. Further, the Board found that your conduct showed a complete disregard for military authority and regulations. 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. 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, completed their enlistments under honorable conditions without engaging in misconduct warranting the early curtailment of their service. Therefore, the Board did not find an upgrade of your discharge to be warranted in the interests of justice. Based on the same

rationale, the Board also determined your reason for separation remains appropriate. While the Board commends you for your post-service accomplishments and sobriety, 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,

3/23/2026

