



Docket No. 7514-25
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.

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 29 August 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).

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 enlisted in the Navy and commenced active duty on 9 March 1993. As part of your enlistment processing, you disclosed pre-service marijuana use, and apprehension by the [REDACTED] police due to mob action, curfew violation, trespassing, and destruction of property. On 18 March 1993, Recruit Training Command released a Drug and Alcohol Abuse Report indicating you tested positive for marijuana use from a sample obtained on 15 March 1993. On 24 June 1993, you signed a statement of understanding regarding the drug exemption program and were advised that involvement with unauthorized drugs may subject you to trial by court-martial or non-judicial punishment (NJP) and administrative processing for separation from Naval service. On 24 June 1993, you reported to [REDACTED] County.

On 12 October 1993, you commenced a period of unauthorized absence (UA), during which you missed ship's movement, that ended in your surrender on 11 November 1993. Following your surrender, you were treated for a gunshot wound you received on 13 October 1993. On 17 November 1993, you received non-judicial punishment (NJP) for the period of UA and missing ship's movement. On 18 November 1993, your command received a message from the Navy Drug Lab indicating your urine sample tested positive for Tetrahydrocannabinol (THC). On 22 November 1993, you received NJP for wrongful use of a controlled substance. Consequently, 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 and commission of a serious offense. You waived your rights to consult counsel, submit a statement, or have your case heard by an administrative discharge board. The separation authority subsequently directed your discharge with an OTH characterization of service for commission of a serious offense and you were so discharged on 22 December 1993.

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 change your discharge characterization of service and your contentions that you suffered mental stress and physical abuse while in service, you were introduced to drug use by older members and abused drugs to cope with the stress and abuse. You further contend that, post-discharge, you suffered from addiction, spent a total of twenty-six years in prison, went to counseling and realized you were a victim, have been clean and sober for twenty years, have steady employment, and help others struggling with addiction. You also checked the "PTSD," "Mental Health," and "Sexual Assault/Harassment" boxes on your application but chose not to respond to the 16 July 2025 letter from the Board requesting evidence in support of your claims. 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 the ■ Department of Corrections Earned Program Sentence Credit Letters you provided.

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 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.

Finally, the Board questioned your candor in this matter based on the inconsistencies in your record. Specifically, you contend that you were "introduced to drug use by some of the older members" but you admitted to pre-service marijuana use and tested positive for it upon arriving for basic training. Therefore, the Board concluded your drug abuse, along with your long-term UA, was a continuation of your pre-service misconduct. The Board determined that the evidence

of record did not demonstrate that you were not mentally responsible for your conduct or that you should not be held accountable for your actions.

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 and commends you for your rehabilitation and sobriety, even in light of the Wilkie Memos 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 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,

9/5/2025

