



2. On 12 December 1988, you were found guilty by a summary court-martial (SCM) of wrongful use of cocaine.

3. Consequently, you were notified that you were being recommended for administrative discharge from the Navy by reason of misconduct due to drug abuse. You were informed of the basis for this recommendation and that the least favorable characterization of service you may receive is Under Other Than Honorable (OTH) conditions and you elected your right to consult with counsel and to present your case to an administrative discharge board (ADB).

4. On 30 December 1988, the ADB was convened and found the preponderance of the evidence supported a finding that you committed misconduct for the basis of misconduct due to drug abuse and recommended your administrative discharge from the Navy with an OTH characterization of service. The commanding officer (CO) forwarded your administrative separation package to the separation authority concurring with the ADB recommendation.

5. Prior to the separation authority's decision, on 14 February 1989, you received a substance abuse evaluation that concluded you were psychologically dependent upon cocaine and recommended you receive treatment through the Department of Veterans Affairs.

6. Ultimately, the separation authority approved the ADB's recommendation and directed your administrative discharge from the Navy. You were so discharged on 30 June 1989.

7. Post-discharge, you applied to the Naval Discharge Review Board (NDRB) for a discharge upgrade. The NDRB denied your request for an upgrade, on 19 May 1997, based on their determination that your discharge was proper as issued.

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 admitted to committing the misconduct that formed the basis for your administrative separation and OTH discharge. Additionally, the Board was not persuaded by your contention that you were told that your discharge characterization would be General (Under Honorable Conditions). The Board noted you provided no evidence, other than your statement, to substantiate your contention. Further, in your personal statement, you acknowledge that you were "released on what [you were] advised as a [sic] Other Than Honorable discharge." This contradicts your statement on your application and led the Board to question the reliability of your recall of events. Therefore, the Board determined the presumption of regularity applies to your administrative separation and no error exists with your record.

However, because you raised the issue of mental health, the Board also requested an AO. As part of the Board's review, a qualified mental health professional reviewed your contentions and the available records and provided the Board with an AO on 15 December 2025. The AO stated in pertinent part:

Petitioner was appropriately evaluated on multiple occasions during military service. His substance use disorder diagnosis was based on observed behaviors and performance during his period of service, the information he chose to disclose, and the psychological evaluation performed by the mental health clinician. There is no evidence that he was diagnosed with another mental health condition in military service, or that he exhibited any psychological symptoms or behavioral changes indicative of another diagnosable mental health condition. He has provided medical evidence of another mental health condition that is temporally remote his military service and appears unrelated. 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, "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, other than substance use disorder."

In response to the AO, you provided additional evidence in support of your application. As a result, the AO was revised to:

The Petitioner has presented new evidence from the VA of a mental health condition that may be attributed to military service. Unfortunately, there is insufficient evidence to attribute his misconduct to a mental health condition, given pre-service substance use behavior that continued in service.

The AO conclusion was revised to state, "There is post-service evidence from the VA 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, other than substance use disorder."

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 sufficient evidence of a diagnosis of mental health condition that may be attributed to military service. This conclusion is supported by the AO and your post-service medical evidence. However, 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 and recognized the same concerns raised in the AO.

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, your contentions, the totality of your service, your need for

veterans' benefits, the non-violent nature of your misconduct, your relative youth and immaturity at the time of your misconduct, your rehabilitation efforts, your post-service record of accomplishments, your candor and remorse, your mental health issues, the circumstances surrounding your misconduct, 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. The Board determined your conduct was sufficiently serious to negatively affect the good order and discipline of your command. Further, 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 General (Under Honorable Conditions) or Honorable to be warranted in the interests of justice. Additionally, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating veterans' benefits, or enhancing educational or employment opportunities. While the Board considered your age and possible need for benefits to address your health concerns, they determined the severity of your misconduct outweighed any mitigation resulting from it. While the Board commends you for your post-service accomplishments, 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,

3/6/2026

