



On 8 March 1989, you reported to ■ for duty. On 17 September 1990, you were found guilty by a special court-martial (SPCM) of a period of unauthorized absence totaling five days, missing ship's movement, disorderly conduct, and wrongful use of lysergic acid diethylamide (LSD), psilocybin, and wrongful possession of 47 individual doses of LSD with intent to distribute. As punishment, you were sentenced to confinement, forfeiture of pay, and reduction in rank.

Consequently, you were notified that you were being recommended for administrative discharge from the Navy by reason of misconduct due to commission of a serious offense and 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 your administrative discharge from the Navy. As part of the CO's recommendation, he stated in pertinent part:

SNM seems to think the Navy is at fault for his shortcomings and fails to take responsibility for his own actions. His cavalier attitude as well as his total disregard for rules and regulations render him unsuitable for further military service. I'm convinced that trying to rehabilitate SNM would be an exercise in futility. Accordingly, I strongly recommend he be expeditiously discharged with an Other Than Honorable discharge.

The separation authority approved the recommendation and directed your administrative discharge for misconduct due to commission of a serious offense with an OTH characterization of service. You were so discharged on 26 March 1991.

Post-discharge, you applied to the Naval Discharge Review Board (NDRB) for a discharge upgrade. The NDRB denied your request for an upgrade, on 29 June 2001, based on their determination that your discharge was proper as issued.

The Board initially concluded you were appropriately processed for administrative separation based on your misconduct and separated with an OTH characterization of service. While the Board carefully considered your contentions that your service was Honorable up until a day of misconduct, you believe that your service was Honorable while you were deployed overseas, you lost your GI Bill due to your discharge, you are no longer able to work, and your character of service has negatively affected your life for 37 years, the Board determined your NJP and SPCM substantiates the seriousness of your misconduct and supports your assigned OTH characterization of service. In making its findings, the Board further determined that illegal drug use and distribution 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. Despite the fact you were not issued a punitive discharge, the Board found that your conduct was serious and likely negatively affected the good order and discipline of your unit.

Further, based on your claim that you suffered from Post-Traumatic Stress Disorder (PTSD), the Board applied liberal consideration to your claim that you suffered from PTSD, and to the effect that this condition may have had upon the conduct for which you were discharged in accordance

with the Hagel 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 evidence in support of your claim and your service medical record contains no evidence you suffered from PTSD related symptoms or a PTSD diagnosis. 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 and considered that you chose not to respond to the Board's request for supporting evidence of your claim. 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.

The Board also considered the totality of the circumstances to determine whether equitable relief was 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, the non-violent nature of your misconduct, your relative youth and immaturity at the time of your misconduct, you expressed need for veterans' benefits, 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 noted that you were given 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. Further, 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 a single incident of misconduct may provide the underlying basis for discharge characterization. There is no precedent within this Board's review, for minimizing the "one-time" isolated incident. As with each case before the Board, the seriousness of a single act must be judged on its own merit, it can neither be excused nor extenuated solely on its isolation. However, contrary to your contention, the Board noted you were involved in multiple incidents of misconduct that resulted in your NJP and SPCM conviction. 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. Accordingly, 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.

Thus, 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,

1/27/2026

