



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

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Docket No. 7661-25  
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. 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 you did not file your application in a timely manner, the Board waived the statute of limitation in the interest of justice. A three-member panel of the Board, sitting in executive session, considered your application on 8 May 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, 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 following is the relevant factual background of your case based upon review of your naval record and/or the matters provided with your application:

- You enlisted in the Navy and began a period of active duty on 25 April 1978. After a period of continuous Honorable service, you immediately reenlisted and commenced a second period of active duty on 12 November 1982. Of note, a performance evaluation issued at the time of your reenlistment included comments that your "upcoming humanitarian transfer will afford [you] the opportunity to alleviate [your] personal situation and ... return to [your] previous outstanding level of performance."

- On 14 July 1983, you received nonjudicial punishment (NJP) for violating Article 86, Uniform Code of Military Justice (UCMJ) by your failure to go to your appointed place of duty; specifically, duty muster at the time prescribed.

- On 3 August 1983, you were issued administrative counseling documenting your drug abuse and terminating your approval to reside off base due to your conduct and behavior.
- On 20 September 1983, you received a second NJP for violation of Article 134, UCMJ, by knowingly and wrongfully using marijuana. A subsequent substance abuse report message documented that you admitted to continued drug abuse while awaiting NJP.
- As a result, you were notified of processing for administrative separation by reason of misconduct due to drug abuse, and you elected to voluntarily waive your right to request a hearing before an administrative separation board. On 21 September 1983, your commanding officer recommended your discharge under Other Than Honorable (OTH) conditions by reason of misconduct due to drug abuse. This recommendation was approved by Commander, Naval Military Personnel Command and you were so discharged on 5 October 1983.

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

- Your OTH discharge was unjust and is inconsistent with Navy policies on equitable treatment and post-service review. You believe that the OTH fails to take into account mitigating factors relevant at the time of your service and recent regulatory changes that reflect a more nuanced understanding of service-related hardships.
- Your positive record and pattern of excellence prior to 1983 suggests that your misconduct was an aberration due to unfortunate circumstances rather than a defining characteristic. While you takes responsibility for your actions, you request that the Board recognize your misconduct was not indicative of your character or service as a whole, as demonstrated by your completion of your first enlistment.
- Despite the hardships you were facing, you reenlisted, demonstrating your dedication to service. Your humanitarian transfer likewise evidences the impact of your personal difficulties on your ability to serve.
- The instances of misconduct after your transfer were related to a conflict between your old chief, who requested that you help the squadron which you were transferred from, and your new chief, who resented your departure to assist the other squadron. You blame the conflict between the chiefs for exacerbating your mental state, which you believe today's policies recognize may contribute to misconduct such as absences, arriving late, or drug use for purposes of coping rather than merely for recreation.
- Post-discharge, you have worked for 33 years at a papermill prior to medically retiring.

In support of your application, you provide your legal counsel's brief and service records.

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. Despite your contentions regarding your chief, the Board

noted you did not deny committing the misconduct that formed the basis of your administrative separation and OTH discharge. Therefore, the Board determined the presumption of regularity applies to your OTH discharge and no error exists with your record.

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, your desire for an upgrade to your characterization of service, your contentions, the totality of your service to include service highlights, 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 advanced age, 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 found that your conduct showed a complete disregard for military authority and regulations. The Board observed you were given 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. Further, the Board determined that illegal drug use is contrary to Navy core values and policy, renders such service members unfit for duty, and poses an unnecessary risk to the safety of their fellow Sailors – particularly when the record reflects that you clearly asserted your intention to continue using marijuana. 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. In making this finding, the Board noted that you did not submit supporting evidence of your post-service character or accomplishments. While the Board commends you for your post-service rehabilitation and acknowledged the personal difficulties you have endured, ultimately, the Board concluded an upgrade of your discharge characterization of service is not warranted in the interests of justice.

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 the 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 is attached 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,

6/1/2026

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