



Docket No. 8363-25  
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED], USN,  
[REDACTED]

Ref: (a) Title 10 U.S.C. §1552  
(b) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 w/attachments  
(2) Naval record (excerpts)

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting for an upgrade of his discharge characterization of service. Enclosures (1) through (2) apply.

2. The Board, consisting of [REDACTED], reviewed Petitioner's allegations of error and injustice on 20 March 2026 and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, and applicable statutes, regulations, and policies to included references (b) through (e).<sup>1</sup>

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although enclosure (1) was not filed in a timely manner, the statute of limitation was waived in the interests of justice.

c. Petitioner enlisted in the U.S. Navy and began a period of active duty on 6 February 2013. After a period of continuous Honorable service, he immediately reenlisted on 22 September 2017.

d. On 15 February 2019, Petitioner received non-judicial punishment for failure to obey an order or regulation, and the wrongful possession of controlled substances (ecstasy).

<sup>1</sup> Although Petitioner checked “PTSD” on his application package, he did not respond to the Board’s 7 August 2025 request for evidence in support of his claim. Therefore, the Board did not consider Petitioner’s application under the guidance provided in the Kurta and Hagel memos.

e. Consequently, petitioner was notified that he was being recommended for administrative discharge from the Navy by reason of misconduct due to drug abuse, and waived his procedural rights. Ultimately, the Separation Authority directed his separation and, on 6 June 2019, he was discharged with an Other Than Honorable (OTH) characterization of service.

f. Upon Petitioner's discharge, he was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) that did not annotate his period of continuous Honorable service from 6 February 2013 to 21 September 2017.

g. Post-discharge, Petitioner applied to the Naval Discharge Review Board (NDRB) for relief. The NDRB denied his request, on 20 September 2022, after determining his discharge was proper as issued.

h. Petitioner contends that he believes this reflects the full scope of his military service and commitment, including an Honorable period of service and Department of Veterans Affairs designation that his service was honorable merits relief. He believes that his discharge for misconduct was due to isolated circumstances that do not represent his overall dedication and conduct and offered that he is also service-connected and disabled. Based on these factors, Petitioner believes an upgrade is warranted based on equity. In support of his application, Petitioner provided a personal statement, documentation from the VA, a character reference, and service record excerpts.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's record warrants partial relief. Specifically, as discussed above, the Board determined Petitioner's DD Form 214 fails to document his continuous Honorable service from 6 February 2013 to 21 September 2017 and requires correction.

Notwithstanding the below recommended corrective action, the Board concluded insufficient evidence exists to support Petitioner's request for an upgrade in characterization of service.

The Board initially concluded Petitioner was appropriately processed for administrative separation based on his record of misconduct. While the Board carefully considered Petitioner's contentions for mitigation, the Board noted he did not deny committing the misconduct. Therefore, the Board determined the presumption of regularity applies to the finding that Petitioner committed the misconduct that formed the basis of his administrative separation and no error exists with his OTH characterization of service.

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, Petitioner's contentions, the totality of his service, the totality of his service, the non-violent nature of his misconduct, the negative effect Petitioner's discharge has had on his life, and the passage of time since his 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 his misconduct far outweighed all of the mitigating factors combined. In particular, the Board found that Petitioner's conduct showed a complete disregard for military authority and regulations. The Board determined that illegal drug possession 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. Additionally, while the Board considered Petitioner's prior Honorable service, they determined it was outweighed by the fact he was fully aware of the Navy's Zero Tolerance policy and chose to violate it. Therefore, even taking into consideration all the mitigation factors in Petitioner's case, the Board found that his misconduct while on active duty outweighed the mitigation evidence offered. Finally, the Board believed that it would be unjust to characterize Petitioner's less than honorable service in the same manner as the service of the thousands of service members who, unlike Petitioner, honorably completed their enlistments without engaging in misconduct warranting the early curtailment of their service. Therefore, the Board did not find an upgrade of Petitioner's discharge to General (Under Honorable Conditions) or Honorable to be warranted in the interests of justice.

#### RECOMMENDATION:

In view of the above, the Board directs the following corrective action:

Petitioner be issued a Correction to DD Form 214, Certificate of Release or Discharge from Active Duty (DD Form 215), for the period ending 6 June 2019, to reflect the following comment added to the Block 18 Remarks section:

"CONTINUOUS HONORABLE ACTIVE SERVICE FROM 2013026 UNTIL 20170921."

That no further changes be made to Petitioner's record.

That a copy of this Report of Proceedings be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above-entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of the reference, has been approved by the Board on behalf of the Secretary of the Navy.

4/2/2026

