



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

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Docket No. 8568-25
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to 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 6 February 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:

1. You enlisted in the Navy and began a period of active duty on 13 August 1981.
2. On 29 April 1983, you received your first non-judicial punishment (NJP) for two instances of use and possession of marijuana. You were given a retention warning/counseling for the deficiencies in your performance and conduct; which advised you that further deficiencies may result in disciplinary action and processing for administrative separation.
3. On 24 May 1983, you received your second NJP for your unauthorized absence from your appointed place of duty and failure to obey a lawful order.
4. On 12 December 1983, you received your third NJP for disrespect in language towards a senior Petty Officer and failure to obey a lawful order.

5. On 3 July 1984, you received your final NJP for the use and possession of marijuana.

6. Consequently, you were notified of pending administrative separation proceedings by reason of misconduct due to drug abuse. You were informed that the least favorable characterization of service you may receive was Under Other Than Honorable (OTH) conditions. You elected to consult with legal counsel and waived your right to request a hearing before 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:

[Petitioner]'s conduct has not been in keeping with Navy Standards...[Petitioner] flatly stated that he used marijuana and had no intentions of stopping. His waiver of rights to contest his processing for administrative separation, in my opinion, fully supports those intentions. The Navy's policy of zero tolerance has been explained to [petitioner] and acknowledged by a page thirteen entry. It is obvious from this chain of events, that the only alternative is to separate [petitioner] from the Naval Service. I strongly recommend that [petitioner] be separated from the Navy by means of an Other than Honorable Discharge.

The separation authority concurred with the CO's recommendation and you were so discharged on 9 November 1984.

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 did not deny committing the misconduct. Therefore, the Board determined the presumption of regularity applies to the finding that you committed the misconduct that formed the basis of your administrative separation and no error exists with your 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, 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, the negative effect your discharge has had on your life, your rehabilitation efforts, your post-service record of accomplishments, your candor and remorse, your service to your community, your advanced age, the character references you provided for review, 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 observed you were given multiple 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. The Board found your refusal to stop abusing marijuana to be particularly harmful to your command's good order and discipline as evidenced by your CO's comments regarding your behavior. Thus, while the Board commends you for your post-service accomplishments and continued involvement with U.S. Navy reunion activities, 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 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,

3/5/2026

