



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE RD  
ARLINGTON, VA 2220

██████████  
Docket No. 8864-25  
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 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 11 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, 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).<sup>1</sup>

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

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<sup>2</sup>:

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<sup>1</sup> The Board noted you checked the "OTHER MENTAL HEALTH" box on your application but did not respond to the Board's request to provide evidence in support of your claims. In addition, your application did not include any evidence. Therefore, the Board did not consider your application under the guidance provided in the Kurta memo.

<sup>2</sup> Your DD Form 149 references attachments to your application of "a sea service award, award in supply division while on board ██████████;" however, no supporting documentation accompanied your application.

- You enlisted in the Navy and began a period of active duty on 3 September 1980. As part of your enlistment processing, you admitted preservice use of marijuana and were granted an enlistment waiver.

- On 16 February 1983, you received nonjudicial punishment (NJP) for the wrongful possession/use of marijuana. Your punishment consisted of forfeiture of \$351.00 pay per month for two months, reduction in rank to E-3, and 45 days of restriction and extra duty. After your NJP, you were counseled concerning deficiencies in performance and advised that failure to take corrective action could result in administrative separation.

- On 14 March 1984, you were convicted at a special court-martial (SPCM) of one specification of conspiracy to commit larceny, one specification of unauthorized absence for a period of 24 days, ten specifications of failure to go to your appointed place of duty (restricted men's muster), one specification of selling stolen property, two specifications of larceny, and one specification of breaking restriction. You were sentenced to reduction in rank to E-1, confinement at hard labor for four months, and a fine of \$1,500.00.

- On 22 March 1984, you were notified that you were being recommended for administrative discharge from the Navy for commission of a serious offense (COSO), at which time you elected your right to consult with counsel and to present your case to an administrative discharge board (ADB).

- On 25 May 1984, an ADB was convened and determined that a preponderance of the evidence supported a finding of misconduct for COSO. The ADB recommended that you be separated from the Navy with a General (Under Honorable Conditions) (GEN) characterization of service. Your commanding officer forwarded this recommendation to the separation authority concurring with the ADB's recommendation. Ultimately, the separation authority approved the recommendation and you were so discharged on 10 September 1984.

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

- You have made positive changes in your life since your discharge.
- You were unaware of the benefits available to you following your discharge from the Navy.
- Given your age, you would be grateful for any increase in your disability rating, to include a rating of 60%, if possible.<sup>3</sup>

After careful review, the Board reached the following conclusions and denied your application for relief.

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<sup>3</sup> The Board has no statutory authority to increase your Department of Veterans Affairs (VA) disability rating. Therefore, the Board took no action on this aspect of your application. The Board recommends you contact your nearest VA office in order to process your request.

The Board initially concluded you were appropriately processed for administrative separation based on your record of misconduct. The Board noted you did not deny committing the misconduct that formed the basis of your administrative separation and GEN discharge. Therefore, the Board determined the presumption of regularity applies to your GEN 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, your relative youth and immaturity at the time of your misconduct, 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 GEN 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 possession and 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. 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 took into consideration the multiple integrity offenses you committed that resulted in your SPCM conviction and your lack of any expression of remorse for your actions. 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 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,

6/4/2026

Executive Director

Signed by: