



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

██████████
Docket No. 9369-25
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 24 March 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 entered active duty with the Navy on 15 May 1975.
2. On 16 December 1977, a general court-martial (GCM) convicted you of wrongful possession of hashish, wrongful introduction of hashish on board ship, wrongful possession of opium, wrongful introduction of opium on board ship, knowingly and intentionally possessing marijuana with intent to distribute, and knowingly and intentionally possessing raw opium with intent to distribute.
3. You were sentenced to confinement for two years, reduction to E-1, forfeiture of all pay and allowances, and a Bad Conduct Discharged (BCD). After completion of all levels of review, you were so discharged 15 April 1981.

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

1. You were offered a General (Under Honorable Conditions) discharge but your civilian counsel advised you to go to trial, which ended in your conviction and two year sentence.
2. Your misconduct was non-violent.
3. You were young at the time. You are now 70 years old and realize the mistake you made.

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

The Board initially concluded you were appropriately discharged based on your GCM conviction and sentence. The Board noted you admitted to committing the misconduct that formed the basis for your GCM conviction. Therefore, the Board determined the presumption of regularity applies to your punitive 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 contentions, the totality of your service, the non-violent nature of your misconduct, your relative youth and immaturity at the time of your misconduct, your expression of remorse, the severity of your punishment, 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 determined that illegal drug possession 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. To do so onboard a military vessel was especially aggravating conduct in the Board's opinion. Further, the Board found that your conduct showed a complete disregard for military authority and regulations. Your conduct was sufficiently pervasive and serious to negatively affect the good order and discipline of your command. 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 considered that you only provided your DD Form 214 in support of your application. While the Board commends you for taking responsibility for your actions and acknowledged the time that has passed since your misconduct, 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 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,

4/8/2026

