



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

██████████
Docket No. 9429-25
Ref: Signature Date

████████████████████
██
████████████████

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 6 April 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).

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issue(s) 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:

1. You enlisted in the Navy Reserves and began a period of active duty on 8 October 1985. As part of your enlistment processing, you admitted preservice use of marijuana.
2. On 3 July 1986, you received nonjudicial punishment (NJP) for wrongful use of a controlled substance-marijuana.

3. On 29 July 1986, a drug and alcohol abuse report indicated you were referred to the CAAC and found to be non-dependent abuser of drugs.

4. On 1 July 1987, you received a second NJP for a period of unauthorized absence (UA) and sleeping while assigned as a security watch. You were counseled concerning your minor disciplinary actions in violation to the UCMJ and advised that failure to take corrective action could result in administrative separation.

5. On 23 April 1987, you began a second period of UA, which lasted five days, and resulted in your third NJP on 14 October 1987.

6. On 6 May 1988, you began a third period of UA which lasted four days. On 17 May 1988, you received a fourth NJP for the period of UA, wrongful use of a controlled substances - cocaine and marijuana, and breaking restrictions.

7. On 24 May 1988, you again tested positive to wrongful use of cocaine. Subsequently, you were evaluated by a medical officer as a result of your frequent use of marijuana and cocaine. In the medical evaluation report, it documents that you admitted to smoking marijuana since high school and were using it approximately 2-3 times a week. You also admitted to abusing cocaine 4-5 times since April 1988. The evaluation determined that you were not drug dependent and had no further potential for military service.

8. Consequently, you were notified of the initiation of administrative separation proceedings by reason of misconduct due to pattern of misconduct, misconduct due to commission of a serious offense, and misconduct due to drug abuse. On 6 June 1988, you decided to waive your procedural rights.

9. On 19 June 1988, another medical evaluation concluded you were an episodic drug abuser that was not addicted to drugs.

10. On 12 June 1988, your commanding officer recommended you be discharged with an Other Than Honorable (OTH) discharge characterization of service. The separation authority approved the recommendation and you were so discharged on 24 June 1988.

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

1. You would like to receive medical benefits and burial honors.
2. You were not afforded the opportunity for rehabilitation related to substance abuse.
3. An earlier intervention and access to treatment could have significantly altered the trajectory of your service and personal development.
4. You were 16 years of age and immaturity should be considered as a mitigating factor in evaluating the characterization of your discharge.

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. The Board also noted you admitted to 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 administrative separation 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 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, the evidence you provided in support of your application, 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. 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 were 18 years old when you commenced active duty and were approaching 21 years of age when you committed your last incidents of drug abuse. Thus, the Board found that you were fully responsible for your actions. Finally, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating veterans' benefits, or enhancing educational or employment opportunities. While the Board considered your possible need for benefits to address your health concerns, they determined the severity of your misconduct outweighed any mitigation resulting from that factor. Even though the Board commends you for your recent post-service rehabilitation efforts, 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,

4/16/2026

