



[REDACTED]

[REDACTED]

[REDACTED]

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.

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:

- You enlisted in the U.S. Navy and began a period of active duty service on 13 December 1971. Your enlistment physical examination, on 12 November 1971, and self-reported medical history both noted no psychiatric or neurologic conditions or symptoms. Following initial recruit training, you reported for duty on board the [REDACTED].
- On 24 February 1973, you received non-judicial punishment (NJP) for an unauthorized absence (UA). You did not appeal your NJP.
- On 27 August 1973, you received NJP for the willful disobedience of a superior commissioned officer. You did not appeal your NJP.

- On 4 March 1974, you received NJP for a period of UA. You did not appeal your NJP.
- On 15 April 1974, you were convicted at a General Court-Martial (GCM) for: (a) the wrongful possession of heroin, and (b) conspiracy. The Court sentenced you to confinement for twelve (12) months, a reduction in rank to the lowest enlisted paygrade (E-1), total forfeitures of pay, and a discharge from the Navy with a Bad Conduct Discharge (BCD).
- In the interim, on 20 September 1974, your mental status examination indicated no psychiatric diagnosis, as well as no evidence of any neurosis, psychosis, or organic brain disease. On 22 November 1974, the Convening Authority approved the GCM sentence as adjudged.
- On 5 December 1974, the Naval Clemency and Parole Board declined to grant you any clemency and denied your restoration request.
- Your separation physical examination, on 12 February 1975, and self-reported medical history both noted no psychiatric or neurologic issues, symptoms, history, and/or treatment. Upon the completion of GCM appellate review in your case, on 8 July 1976, you were discharged from the Navy with a BCD and assigned an RE-4 reentry code.

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

- There was no evidence of your drug possession and a witness was not called.
- The Marine base was shut down in 1973 because of drugs, and lots of blacks were charged.

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

The Board initially concluded you were appropriately discharged with a BCD based on your GCM conviction and sentence. While the Board considered your contention that the evidence in your GCM was insufficient for a conviction, it unequivocally concluded that you did not provide sufficient evidence to substantiate or corroborate your evidentiary and legal/factual sufficiency contentions regarding your GCM offenses. The Board determined that you were found guilty of your GCM offenses because you were indeed guilty beyond a reasonable doubt. Therefore, the Board determined the presumption of regularity applies to your BCD 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, the harshness of your punishment, 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 and possession are contrary to Navy core values and policy, renders such service members unfit for duty, and poses an unnecessary risk to the safety of their fellow Sailors. 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 BCD. 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 concluded that your drug-related misconduct was not minor in nature and, despite your contentions, this was not a case warranting any clemency as you were properly convicted at a GCM of serious 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 that 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,

5/26/2026

Executive Director

Signed by: