



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

Docket No. 9670-25
Ref: Signature Date

Dear [REDACTED]

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 27 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).¹

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 Navy and began a period of active duty on 27 October 1998. As part of your enlistment processing, you admitted preservice use of marijuana.
- Between 5 January 2000 and 11 April 2000, you received nonjudicial punishment (NJP) on three occasions.²

¹ The Board noted you checked the "PTSD" 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 and Hagel memos.

² The specific offenses for which you received NJP is not contained in your record. However, a NAVPERS 1070/604 form documents these three NJPs.

- On 21 April 2000, you received a fourth NJP for wrongful use of a controlled substance.

- Unfortunately, the documents pertinent to your administrative separation are not in your official military personnel file (OMPF). Notwithstanding, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. Your Certificate of Release or Discharge from Active Duty (DD Form 214) reveals that you were separated from the Navy, on 26 July 2000, with an Other Than Honorable (OTH) characterization of service, narrative reason for separation of "Misconduct," separation code of "HKK," and reentry code of "RE-4." Your separation code is consistent with a discharge due to drug abuse.

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

- You are seeking to obtain access to medical care and mental health services you may require in the near future.
- You enlisted with the goal of making your family proud and gaining life experience beyond your immediate surroundings.
- You acknowledge making decisions during your time in service that you regret, including at times accepting responsibility for actions that were not entirely your own in an effort to gain acceptance or protect others.
- You were exposed to significant stress, including witnessing fellow service members suffer injury, death, and the effects of alcohol abuse. You were struggling to cope and decided to use drugs with the intent to self-medicate.
- Post discharge, you have matured and become a responsible and contributing member of society and your family.

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. Although you mention accepting responsibility for misconduct that you may not have committed in order to gain acceptance, the Board noted you provided no evidence, other than your statement, to substantiate your contention. Therefore, the Board determined the presumption of regularity applies to your OTH 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 need for veterans' benefits, your relative youth and immaturity at the time of your misconduct, the

negative effect your discharge has had on your life, your claimed mental health issues, 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 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. Further, the Board determined that illegal drug use, 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. 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 noted your address on your application is a confinement facility and you have been assigned a prisoner number. Thus, the Board was not persuaded by your arguments of post-service good conduct. While the Board acknowledged the personal difficulties you have endured, 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,

5/22/2026

