



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

■
Docket No. 9835-25
Ref: Signature date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER ■■■■■■■■■■, USN,
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Ref: (a) Title 10 U.S.C. §1552
(b) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 w/attachments
(2) Case Summary

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board) requesting for an upgrade of his character of service and changes to his narrative reason for separation, separation authority, separation code, and reenlistment code.

2. The Board, consisting of ■■■■■■■■■■, ■■■■■■■■■■, and ■■■■■■■■■■, reviewed Petitioner's allegations of error and injustice on 24 April 2026 and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, applicable statutes, regulations, and policies, to include reference (b).

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Because Petitioner's application was submitted with new evidence not previously considered, the Board found it in the interest of justice to review his application.

c. Petitioner enlisted in the Navy and began a period of active duty on 24 July 1986.

d. On 29 May 1987, Petitioner received non-judicial punishment (NJP) for a period of unauthorized absence totaling two days and failure to obey a lawful order by failing to report for duty.

e. On 8 September 1987, Navy Drug Laboratory reported that Petitioner's urine sample tested positive for THC (marijuana).

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f. On 16 September 1987, Petitioner received his second NJP for wrongful use of marijuana.

g. Consequently, Petitioner was notified that he was being recommended for administrative discharge from the Navy by reason of misconduct due to drug abuse. Petitioner was advised of and elected his procedural right to consult with military counsel and to present his case to an administrative discharge board (ADB).

h. On 19 October 1987, an ADB was convened and found that Petitioner committed misconduct and recommended his administrative discharge from the Navy with an Other Than Honorable (OTH) character of service by reason of misconduct due to drug abuse.

i. Ultimately, the separation authority approved the recommendation and Petitioner was so discharged on 23 January 1988.

j. Petitioner previously applied to this Board for a discharge upgrade and was denied on 19 March 2013.

k. Petitioner contends the following injustices warranting relief:

(1) At the time of his discharge, he felt bad because he was unable to perform his duties honorably.

(2) His receipt of an OTH character of service due to his use of marijuana is an injustice taking into consideration his accomplishments and community service.

(3) He has spent the last 20 years clean and sober and rectifying the harm he has caused himself and others.

(4) For the past twelve years he has been an elected official in [REDACTED], [REDACTED] the [REDACTED] as a [REDACTED] Committee member.

(5) He has received an Associate's Degree, Bachelor's Degree, and his Master's Degree and a certificate in child and family advocacy.

l. For purposes of clemency and equity consideration, the Board considered the totality of Petitioner's application; which included his DD Form 149 and the evidence he provided in support of it.

CONCLUSION:

Upon careful review and consideration of all of the evidence of record, the Board determined that Petitioner's request warrants partial relief.

The Board initially concluded Petitioner was appropriately processed for administrative separation based on his record of misconduct. The Board noted Petitioner admitted to committing the misconduct that formed the basis of his administrative separation and OTH

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discharge. Therefore, the Board determined the presumption of regularity applies to Petitioner's administrative separation and no error exists with his record.

However, 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, Petitioner's desire for the changes to his record, Petitioner's contentions, the totality of Petitioner's service to include service highlights, the non-violent nature of Petitioner's misconduct, Petitioner's relative youth and immaturity at the time of his misconduct, Petitioner's rehabilitation efforts, Petitioner's post-service record of accomplishments, Petitioner's candor and remorse, Petitioner's service to his community, the evidence Petitioner provided in support of his application, and the passage of time since Petitioner's discharge.

The Board found that the mitigating factors were sufficient to justify some equitable relief. Specifically, the Board found persuasive, among other mitigating factors, Petitioner's post-service record of academic accomplishment, the letters of support attesting to his character, Petitioner's relative youth and immaturity at the time of his misconduct, Petitioner's proactive efforts to atone for his mistake, and the passage of time since Petitioner's discharge. Based upon these mitigating factors, the Board found that clemency is warranted in the form of an upgrade of his characterization of service to General (Under Honorable Conditions) (GEN) and changing his reason for separation to reflect a Secretarial Authority discharge.

Notwithstanding the recommended corrective action below, the Board was not willing to grant an upgrade to an Honorable discharge. While the Board noted that flawless service is not required to receive an Honorable characterization of service, the nature and gravity of Petitioner's drug abuse led them to conclude that his service was not Honorable.

Finally, the Board determined Petitioner's reentry code remains appropriate in light of his drug abuse and unsuitability for further military service. Ultimately, the Board concluded that any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

RECOMMENDATION:

In view of the above, the Board recommends that the following corrective action be taken on Petitioner's naval record in the interests of justice:

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) reflecting that, for the period ending 23 January 1988, Petitioner was discharged with a "General (Under Honorable Conditions)" character of service, narrative reason for separation of "Secretarial Authority," the SPD code of "JFF," and separation authority of "MILPERSMAN 1910-164." All other information on the DD Form 214 shall remain the same.

That no further changes be made to Petitioner's record.

That a copy of this record of proceedings be filed in Petitioner's naval record.

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4. It is certified that quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

5/20/2026

