



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

██████████
Docket No. 10031-25
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, XXX-XX-██████████

Ref: (a) 10 U.S.C. § 1552
(b) SECDEF memo, "Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations," of 25 July 2018 (Wilkie Memo).

Encl: (1) DD Form 149 with 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 that her discharge characterization be changed on his Certificate of Release or Discharge from Active Duty (DD Form 214). Enclosure (2) applies.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 4 May 2026 and, pursuant to its regulations, determined the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of his naval service records, and applicable statutes, regulations, 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. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to review the application on its merits.

c. Petitioner enlisted in the Navy and began a period of active duty on 1 September 1992. As part of her enlistment processing, Petitioner admitted preservice use of marijuana. After a period of continuous Honorable service, Petitioner immediately reenlisted and commenced another period of active duty on 7 August 1996.

d. On 23 May 1998, Petitioner was charged with testing positive to use of a controlled substance-Amphetamine/Methamphetamine. Although Petitioner admitted to using prescribed

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED],
USN, XXX-XX-[REDACTED]

drugs for reasons other than prescribed, she refused to accept nonjudicial punishment (NJP). Petitioner was also accused of commission of a serious offense by failing to report a violation and drug abuse, at which point, she again refused to accept NJP.

e. Consequently, Petitioner was notified of the initiation of administrative separation proceedings by reason of misconduct due to drug abuse and misconduct due to commission of a serious offense. Petitioner decided to waive her procedural rights and her commanding officer recommended she be discharged with an Other Than Honorable (OTH) discharge characterization of service. On 30 June 1998, Petitioner was so discharged by reason of misconduct due to drug abuse. Petitioner was issued a DD Form 214 that did not annotate her period of continuous Honorable service from 1 September 1992 to 6 August 1996.

f. Petitioner requests that her discharge be upgraded to Honorable to accurately reflect her first enlistment from September 1992 to July 1996. She is seeking this upgrade to become eligible for home and property tax credits. Petitioner contends she has consistently been a pillar of her community and a dedicated employer by demonstrating responsibility, leadership, and integrity throughout the years. At the time her discharge was originally offered, Petitioner asserts she was young and not fully aware of all the military regulations and implications of her discharge. During the last two years of a subsequent four-year reenlistment, Petitioner became involved as a witness in an ongoing investigation. Petitioner claims she was unknowingly drugged, which resulted in a failed urinalysis. Both individuals responsible were convicted by court-martial, yet the petitioner was offered an Other Than Honorable (OTH) discharge despite her lack of fault in the incident. In light of her youth at the time of the original discharge, the extenuating circumstances of the failed urinalysis, and her continued contributions to her community and employees, the petitioner respectfully requests that her discharge be reconsidered and upgraded to Honorable.

CONCLUSION:

Upon review and consideration of the evidence of record, the Board determined Petitioner's request warrants partial relief. Specifically, as discussed previously, the Board determined Petitioner's DD Form 214 does not reflect her continuous Honorable service from 1 September 1992 to 6 August 1996 and requires correction.

Regarding Petitioner's request for a discharge upgrade, the Board determined no relief is merited.

The Board initially concluded Petitioner was appropriately processed for administrative separation based on her record of misconduct. The Board considered Petitioner's contention that her drug abuse was due to innocent ingestion because she was "drugged" but was not persuaded. The Board noted Petitioner's testimony at another member's administrative separation board where she admitted to her misconduct under oath. Therefore, the Board determined the presumption of regularity applies to Petitioner's misconduct, administrative separation, and OTH discharge, and no error exists with her record.

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED],
USN, XXX-XX-[REDACTED]

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 an upgrade to her characterization of service, Petitioner's contentions, the totality of Petitioner's service to include service highlights, Petitioner's need for veterans' benefits, the non-violent nature of Petitioner's misconduct, Petitioner's relative youth and immaturity at the time of her misconduct, Petitioner's rehabilitation efforts, Petitioner's post-service record of accomplishments, Petitioner's service to her community, the evidence Petitioner provided in support of her application, and the passage of time since Petitioner's 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 Petitioner's 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. Therefore, even taking into consideration all the mitigation factors in Petitioner's case, the Board found that her misconduct while on active duty outweighed the mitigation evidence offered. In making this finding, the Board found that Petitioner's current contention of innocent ingestion raises questions regarding her candor and/or reliability of recall in this matter. Finally, the Board believed that it would be unjust to characterize Petitioner's less than honorable service in the same manner as the service of the thousands of service members who, unlike Petitioner, honorably completed their enlistments without engaging in misconduct warranting the early curtailment of their service. While the Board commended Petitioner for her post-service accomplishments and acknowledged her rehabilitation efforts, ultimately, the Board concluded an upgrade of Petitioner's discharge characterization of service is not warranted in the interests of justice.

RECOMMENDATION:

That Petitioner be issued a "Correction to DD Form 214, Certificate of Release or Discharge from Active Duty" (DD Form 215), for the period ending 30 June 1998, to reflect the following comment added to the Block 18 Remarks section:

"CONTINUOUS HONORABLE SERVICE FROM 1SEP1992 TO 6AUG1996."

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

A copy of this report of proceedings be filed in Petitioner's naval record.

4. It is certified that a 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 Regulation, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED],
USN, XXX-XX-[REDACTED]

corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

5/27/2026

