



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

██████████
Docket No. 10360-25
Ref: Signature Date

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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 26 May 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).

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 22 February 1971.
- In June 1972, you were convicted of possession of marijuana in the ██████████.
- On 10 August 1972, you were seen by medical based on a request from your command. In the medical note, it stated you used marijuana infrequently, were not drug dependent, and not motivated for further service in the Navy.
- The next day, you were notified of the initiation of administrative separation proceedings by reason of misconduct due to drug use. In response, you submitted a conditional waiver request

for a General (Under Honorable Conditions) (GEN). Your Commanding Officer (CO) recommend you be discharged with a GEN characterization of service. In your CO's endorsement of your request, he reported to the separation authority (SA), that you were suspected of marijuana use daily and infrequent barbiturates use. Ultimately, the separation authority approved the recommendation and you were so discharged on 26 September 1972.

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

- When you were in ██████████, you and other service members made a wrong turn and were swarmed by ██████████ soldiers. After your were interrogated, mistreated, and brought before a judge for possession of marijuana, you confessed to the misconduct because you felt there were no other options. Based on your single offense, you were discharged from the Navy.

- Since your discharge, you have led a successful life with no further negative interactions with law enforcement. Despite suffering from a mental health condition and other disability conditions, you were successful in maintaining employment until your retirement as a machinist. You then ran a flower shop with your spouse and later became an advocate for bovine spongiform encephalopathy awareness and prevention. You have also successfully raised a 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. While the Board carefully considered your contention that you were wrongfully convicted, the Board was unwilling to litigate a criminal court case adjudicated in a foreign jurisdiction more than 50 years ago. Further, based on your CO's comments identifying you as a habitual user of marijuana and the medical report in which you admitted to marijuana use, though infrequent, the Board found your contentions regarding your denial of possession of marijuana to be unpersuasive. Therefore, the Board determined the presumption of regularity applies to your GEN 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, the non-violent nature of your misconduct, your relative youth and immaturity at the time of your misconduct, your rehabilitation efforts, your post-service record of accomplishments, your service to your community, your mental health issues, the evidence you provided in support of your application, your advanced age, the character references you provided for review, 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 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 considered the likely discrediting effect your conduct had on the Navy. Moreover, the Board noted that, although one's service is generally characterized at the time of discharge based on performance and conduct throughout the entire enlistment, the conduct or performance of duty reflected by only a single incident of misconduct may provide the underlying basis for discharge characterization. There is no precedent within this Board's review, for minimizing the "one-time" isolated incident. As with each case before the Board, the seriousness of a single act must be judged on its own merit, it can neither be excused nor extenuated solely on its isolation. However, in your case, the Board determined your drug related misconduct involved, more likely than not, more than a single incident of drug abuse. 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 also considered your contention that your confession was coerced and, therefore, your administrative separation was unjust. Again, the Board did not find this argument to be persuasive based on your documented history of drug abuse that was corroborated by your Navy roommates and the subject of a command investigation. Furthermore, the Board believed that it would be unjust to characterize your less than honorable service in the same manner as the service of the thousands of service members who, unlike you, honorably completed their enlistments without engaging in misconduct warranting the early curtailment of their service. Finally, while the Board noted that flawless service is not required to receive an Honorable characterization of service, the nature and gravity of your misconduct led them to conclude that your service was not Honorable. The Board found that you already received significant clemency in your case when your qualified waiver was approved and you were issued a GEN discharge characterization for misconduct that typically results in an Other Than Honorable discharge. While the Board commends you for your post-service accomplishments and acknowledged your 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,

6/12/2026
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