



Docket No. 10713-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF

Ref: (a) 10 U.S.C. § 1552
(b) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 w/ enclosures

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 his discharge be upgraded to Honorable.
2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 30 March 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. Although Petitioner's 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 the case on its merits.
 - b. Petitioner enlisted in the Navy and began a period of active duty on 15 July 1992.
 - c. On 11 March 1993, Petitioner received nonjudicial punishment (NJP) for violating Uniform Code of Military Justice (UCMJ) Article 121 (assault on an E-2) and Article 134 (drunk and disorderly conduct). Petitioner received punishment of 30 days of restriction and forfeiture of \$50 pay per month for one month.
 - d. On 19 September 1993, Petitioner was notified of administrative separation proceedings being initiated against him on the basis of misconduct due to drug abuse and commission of a serious offense.

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[REDACTED]

e. On 6 October 1993, Petitioner received a second NJP for violating UCMJ, Article 112a (wrongful use of tetrahydrocannabinol (THC)). Petitioner received punishment of 45 days restriction, 45 days extra duty, forfeiture of \$456 pay per month for two months, and reduction in rank to E-2.

f. On 19 October 1993, Petitioner acknowledged his rights with respect to administrative separation processing and waived both his right to consult with counsel and to appear before an administrative separation board.

g. Ultimately, Petitioner was discharged from the Navy, on 22 November 1993, for the basis of commission of a serious offense, with an Other Than Honorable (OTH) characterization of service, and a reentry (RE) code of RE-4.

i. Petitioner contends the following errors and injustices warranting relief:

(1) An upgrade is warranted due to the conditions and culture at the time of the infraction.

(2) The totality of circumstances surrounding his separation should be taken into consideration. In 1993, his unit received word of an upcoming "urine" test but he misheard the warning as a "hearing test." Petitioner states that he subsequently participated in minimal use of recreational marijuana and then tested positive.

(3) He loved his aircraft handling job on the flight deck and it was the highlight of his life.

(4) Since his discharge, he has worked in construction and educated himself in the field of Information Technology. He is a federal GS-14 employee and holds a Tier 5 Single Scope Background Investigation clearance.

j. Petitioner submitted supporting information with his request for relief to include a narrative statement, a current SF-50, an initial SF-50, resume, Federal Security Clearance, letters of recommendation, and performance review.

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 that Petitioner was appropriately processed for administrative separation based on his record of misconduct. The Board noted that Petitioner did not deny committing the misconduct that formed the basis for his administrative discharge. Therefore, the Board determined the presumption of regularity applies to Petitioner's administrative separation and no error exists with his record.

The Board also considered the totality of the circumstances to determine whether equitable relief is warranted in the interests of justice in accordance with the Wilkie Memo. In this regard, the Board considered, amongst other factors, the totality of Petitioner's service to include service

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highlights, his relative youth and immaturity at the time of his misconduct, his post-service record of accomplishments, his service to his community, the character references he provided for review, his post-discharge efforts at rehabilitation, and the passage of time since his discharge.

The Board found that mitigating factors were sufficient to justify partial relief. Specifically, the Board concluded that the favorable factors, in particular Petitioner's continued efforts of self-improvement and contribution to government service, sufficiently outweighed his misconduct to warrant a change to his characterization of service to General (Under Honorable Conditions).

Notwithstanding the recommended corrective action below, the Board found that the mitigating factors were not nearly sufficient to justify any further equitable relief. While the Board noted that flawless service is not required to receive an Honorable characterization of service, the nature and gravity of Petitioner's misconduct led them to conclude that his service was not Honorable. Specifically, the Board determined that Petitioner's misconduct of wrongful use of THC while serving in aircraft handling was particularly aggravating. Finally, the Board noting 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. Based on the same rationale, the Board determined that Petitioner's reason for separation and reentry code remain appropriate.

RECOMMENDATION:

In view of the above, the Board directs the following corrective action:

That Petitioner be issued a new Certificate of Release from Active Duty (DD Form 214) reflecting that, for the period ending 22 November 1993, Petitioner was discharged with a "General (Under Honorable Conditions)" characterization of service. That all other information currently listed on Petitioner's DD Form 214 remains the same.

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

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

4/8/2026

