



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

██████
Docket No. 10799-25
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. 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 2 June 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 19 November 2001.
- On 29 July 2002, the Navy Drug Laboratory reported that your urine sample tested positive for THC (marijuana).
- On 3 August 2002, you received non-judicial punishment (NJP) for Wrongful use of a controlled substance.

¹ The Board noted you checked the "PTSD" and "Other Mental Health" boxes 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 discuss any mental health issues or include any evidence. Therefore, the Board did not consider your application under the guidance provided in the Kurta and Hagel memos.

- Consequently, you were notified of administrative separation processing for misconduct due to drug abuse. After you waived your right to consult with counsel, to request a hearing before an administrative separation board, and to submit a statement, your commanding officer (CO) forwarded your administrative separation package to the separation authority recommending that you be discharged with an Other Than Honorable (OTH) characterization of service. The Separation Authority approved the recommendation and you were so discharged on 16 August 2002.

- Post Service, you applied for discharge relief from the Naval Discharge Review Board (NDRB). On 2 July 2014, the NDRB denied your application after determining that your discharge was proper as issued. The NDRB discussion noted that you had a pre-service drug waiver for using marijuana five times prior to entering the Navy.

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

- You were a troubled teenager and were given the choice between jail or the military. You chose to serve your country even though you were not emotionally or mentally prepared for the challenges you would face.

- You were singled out and mistreated during service due to your appearance, Southern background, and speech, leading to verbal harassment and hazing during bootcamp and aboard your ship.

- In seeking acceptance, you made the poor decision and associated yourself with peers involved in partying, drinking, and drug use, which led to a failed drug test and your subsequent discharge.

- You deeply regret this decision and have since demonstrated significant personal reform, becoming a responsible, God-fearing parent of three children, avoiding criminal activity, and living a life centered on faith and family values.

- You are currently disabled and living on oxygen due to sarcoidosis, which you believe was caused by chemical exposure while working in the ship's laundry room. You live on a fixed income, and it is extremely difficult to provide for your children without the benefits you should be entitled to as a veteran.

- You take full responsibility for your past actions but request the Board consider the context of your service, personal growth, and the impact an Honorable discharge would have on your ability to support your family and access veteran benefits.

After careful review, the Board reached the following conclusions and denied your application for relief.

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, the non-violent nature of your misconduct, your need for veterans' benefits, your relative youth and immaturity at the time of your misconduct, your rehabilitation efforts, 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 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. Additionally, 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. Therefore, even taking into consideration all of the mitigation factors in your case, the Board found that your misconduct while on active duty outweighed the mitigation evidence offered. Finally, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating veterans' benefits, enhancing educational or employment opportunities. Even though the Board considered your age and possible need for benefits to address your health and family support concerns, they determined the severity of your misconduct outweighed any mitigation resulting from those factors. While the Board acknowledged the health issues you are currently facing, ultimately, the Board concluded that 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 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 is attached 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,

6/11/2026

[REDACTED]