



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

BJG
Docket No: 7940-09
13 May 2010

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 May 2010. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. The Board found that you entered active duty in the Navy on 13 November 1986. Your urinalysis at recruit training was positive for the wrongful use of drugs. You received nonjudicial punishment, a summary and special court-martial for wrongful use of a controlled substance, two periods of unauthorized absence totaling 100 days, failure to go to your appointed place of duty, disobeying a lawful order, and breaking restriction. You were notified that your commanding officer was recommending you for administrative separation with an other than honorable (OTH) discharge for

commission of a serious offense. You waived all of your procedural rights, including your right to an administrative discharge board (ADB). On 4 September 1984, you received an OTH discharge for commission of a serious offense, and were assigned an RE-4 reenlistment code.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your youth, and post service good conduct. However, the Board concluded that your OTH discharge should not be changed due to your repeated, serious misconduct. You are advised that no discharge is automatically upgraded due merely to the passage of time. The Board found you waived your right to an ADB, your best opportunity for retention or a better characterization of service. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously 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,



ROBERT D. ZSALMAN
Acting Executive Director