



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

JRE

Docket No. 251-12

5 November 2012

[REDACTED]

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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 18 October 2012. 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.

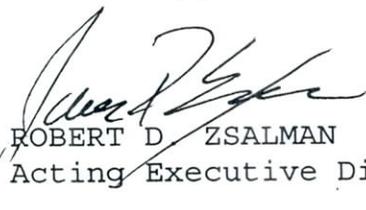
You entered on active duty in the Navy 16 August 2000. You received nonjudicial punishment on 25 February 2004 for wrongful use of marijuana, unauthorized absence, and missing movement. You were discharged under other than honorable

conditions on 12 March 2004 by reason of misconduct/drug abuse. On or about 30 June 2005, the Naval Discharge Review Board denied your request for upgrade of your discharge.

The available records do not establish that you were unfit for duty by reason of physical disability at the time of your discharge, or that you lacked mental when you committed the offense that resulted in your discharge. The Board noted that you would not have been entitled to disability separation or retirement even if you had been unfit for duty because a discharge by reason of misconduct takes precedence over disability evaluation processing. Accordingly, and as you have not demonstrated that it would be in the interest of justice for the Board to upgrade your discharge or set-aside the aforementioned nonjudicial punishment, 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,

  
GT / ROBERT D. ZSALMAN  
Acting Executive Director