



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

BAN  
Docket No: 03560-12  
25 March 2013

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 20 March 2013. 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 23 November 1994, and served without disciplinary incident, until 22 June 1995, when you received nonjudicial punishment (NJP) for two specifications of a unauthorized absence (UA), missing ship's movement and two specifications of drunkenness. Shortly thereafter, you received another NJP on 21 July 1995, for the illegal use of a controlled substance (marijuana). On 17 October 1995, your commanding officer directed separation with an other than honorable (OTH) discharge due to misconduct (drug abuse). You waived your right to consult with counsel and an administrative discharge board (ADB). On 19 October 1995, you were separated with an OTH discharge due to misconduct (drug abuse) and an RE-4 reentry code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, service record, and post service conduct. Nevertheless, the Board concluded these factors were not sufficient to warrant a change to your characterization of service, due to your misconduct (drug abuse). Furthermore, the Board found that you waived your right to consult with counsel and your ADB, your best opportunity for retention, or a better characterization of service. Therefore, 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