



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

CRS
Docket No: 4679-12
1 April 2013

[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 7 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you reenlisted in the Navy on 6 March 1985 after more than two years of prior honorable service. You received nonjudicial punishment on three occasions for offenses that included two periods of unauthorized absence, failure to obey a lawful order, wrongful use of amphetamines/methamphetamines, and failure to go to your appointed place of duty. You also tested positive through urinalyses on two additional occasions for wrongful use of amphetamines/methamphetamines for which no disciplinary action was taken. You were then notified that you were being administratively separated with an other than honorable characterization of service due to drug abuse. You waived your procedural right to an administrative discharge board (ADB). On 9 October 1991 you were discharged by reason of misconduct due to drug abuse with a discharge under other than honorable conditions.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and prior

honorable service. The Board concluded that these factors were insufficient to warrant upgrade of your discharge, given your use of illegal drugs. Finally, the Board noted that you waived your right to an ADB, your best opportunity for retention and better characterization of service. Accordingly, 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