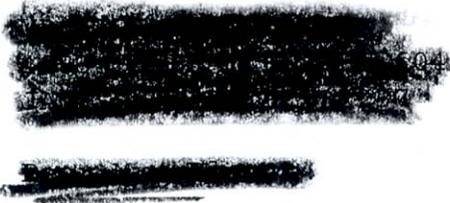




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

TAL
Docket No: 5686-12
29 March 2013



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 27 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 and began a period of active duty on 22 August 2006 at age 17. On 30 October 2008, you received nonjudicial punishment (NJP) for unauthorized absence (UA) from your unit for one day, and two instances of wrongful use of marijuana. On 25 February 2009, you were notified of pending administrative discharge processing with an other than honorable (OTH) discharge due to misconduct (drug abuse). You waived all of your procedural rights, including your right to an administrative discharge board (ADB). On 22 April 2009, you received the OTH discharge for misconduct (drug abuse), and were assigned an RE-4 reenlistment code.

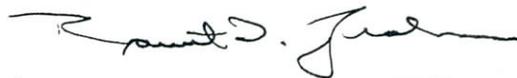
The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board concluded

these factors were not sufficient to warrant a change in your reenlistment code given your misconduct that resulted in one NJP and the non-recommendation for reenlistment which was sufficient to support the assignment of an RE-4 reenlistment code. Finally, the Board noted that you waived the right to an ADB, your best opportunity for retention or a 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.

The Board did not consider whether your characterization of service or reason for separation should be changed, as you have not exhausted your administrative remedy of submitting the attached application for the Review of Discharge or Dismissal for the Armed Forces of the United States (DD Form 293) to the Naval Council of Personnel Review Boards, Attn: Naval Discharge Review Board (NDRB), 720 Kennon Street, SE, Room 309, Washington Navy Yard, Washington, DC 20375-5023

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

Enclosure