



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

SJN
Docket No: 06760-12
18 October 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 16 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 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 15 May 1987. The Board found that you were briefed on the Navy's policy on drug and alcohol abuse. On 18 October 1989, you received nonjudicial punishment (NJP) for wrongful use of cocaine and unauthorized absence. You received restriction, a forfeiture of pay and a reduction in paygrade. Additionally, you were counseled and warned that further misconduct could result in administrative discharge action. On 25 January 1990, you completed a drug and alcohol rehabilitation program and were directed to participate in a one year aftercare program. You completed Level II treatment on 25 January 1990. On 21 March 1991, you were evaluated as a drug/alcohol abuser. At that time it was determined that you possessed potential for further service. The record shows that on 14 May 1991, your initial enlistment was extended for an unknown period of time. On 12 May 1992, you received a second NJP for wrongful use of marijuana. You received restriction, extra duty, a forfeiture of pay, and a

reduction in paygrade. Subsequently, administrative discharge action was initiated by reason of misconduct due to wrongful drug use. You elected to consult counsel and have your case heard before an administrative discharge board (ADB). On 2 December 1992, the ADB unanimously recommended separation with an other than honorable (OTH) discharge by reason of misconduct due to drug abuse. Your commanding officer concurred with the ADB's findings and forwarded his recommendation that you be discharged. The separation authority directed an OTH discharge by reason of misconduct due to drug abuse. On 5 February 1993 you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your record of service, post service accomplishments, character letters, and desire to have the time prior to your extension characterized as honorable. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your two NJP's for wrongful drug use, and the fact that you were briefed on the Navy's policy on drug and alcohol abuse. The Board noted that the record clearly shows you did not reenlist, but extended your enlistment for an unknown period of time. In this regard, you served only one period of active service, as correctly reflected on your Certificate of Release or Discharge from Active Duty (DD Form 214). 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