



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

SJN

Docket No: 01839-13
29 January 2014

[REDACTED]

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 28 January 2014. 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.

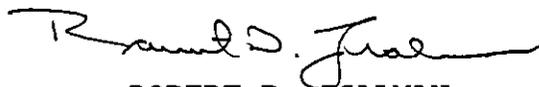
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy and began a period of active duty on 19 September 1990. The Board found that on 24 September 1990, you were briefed on the Navy's policy regarding drug and alcohol abuse. On 10 January 1991, you received nonjudicial punishment (NJP) for wrongful use of marijuana. You received a forfeiture of pay and restriction. Subsequently, administrative discharge action was initiated by reason of misconduct due to drug abuse. You consulted with counsel and subsequently elected to have your case heard by an administrative discharge board (ADB). On 8 February 1991, medical personnel found that you were not dependent on alcohol or drugs. On 21 February 1991, the ADB found that you had committed misconduct due to wrongful drug use and recommended that you be separated with an other than honorable (OTH) discharge. On 14 March 1991, your commanding officer concurred with the ADB's finding and forwarded his recommendation that you be discharged with an OTH discharge. On 29 March 1991, the separation authority directed an OTH by reason of misconduct due to drug abuse. On 11 April 1991 you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your record of service and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the fact that you were briefed on the Navy's policy regarding drug and alcohol abuse, and warned of the consequences of further misconduct and subsequent NJP for wrongful use of marijuana. 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