



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

SJN

Docket No: 02238-13

12 February 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 11 February 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.

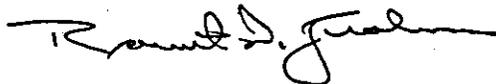
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

On 26 July 1984, you reenlisted in the Navy after serving over three years of honorable service. The Board found that on 29 January 1986, you received nonjudicial punishment (NJP) for wrongful use of marijuana. Subsequently, administrative discharge action was initiated by reason of misconduct due to drug use. You elected to consult counsel and have your case heard before an administrative discharge board (ADB). On 18 April 1986, the ADB recommended separation with an other than honorable (OTH) discharge by reason of misconduct due to drug abuse. On 16 June 1986, while you were being processed for separation, you received a second NJP for two periods of unauthorized absence (UA) totaling four days and disobedience. On 8 July 1986, your commanding officer concurred with the ADB's findings and forwarded his recommendation that you be discharged. On 27 July 1986, the separation authority concurred and directed an OTH discharge by reason of misconduct due to drug abuse. On 7 August 1986, you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your prior honorable service and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your two NJP's, one of which was for wrongful drug use. 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