



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

SJN

Docket No: 02449-13
26 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 25 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.

You enlisted in the Navy and began a period of active duty on 12 December 1983. The Board found that on 13 December 1983, you were briefed on the Navy's policy regarding drug and alcohol abuse. On 4 April 1984, you received nonjudicial punishment (NJP) for wrongful use of marijuana. You received a forfeiture of pay and extra duty. Additionally, you were counseled and warned that further misconduct could result in administrative discharge action, and placed on your command's urinalysis surveillance program. On 16 April 1984, you tested positive for the wrongful use of amphetamine/methamphetamine. On 6 June and 5 July 1984, you received NJP for three periods of unauthorized absence. Subsequently, you were notified of pending administrative separation action by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. After being advised of your procedural rights, you waived the right to an administrative discharge board (ADB). On 18 July 1984, your commanding officer forwarded your case recommending you receive an other than honorable (OTH) discharge. He stated, in part, that your attitude was poor and continued to get worse regardless of the amount of counseling you were given,

and that your prognosis for discontinued substance abuse as well as your potential for further productive service was poor. On 30 July 1984, the separation authority directed that you be discharged under OTH conditions by reason of misconduct. You were so discharged on 9 August 1984.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, record of service and desire to upgrade your discharge. Nevertheless, the Board found that these factors were not sufficient to warrant any change in your discharge given your NJP for wrongful drug use, testing positive for amphetamine/methamphetamines while in a urinalysis surveillance program, and the fact that you were briefed on the Navy's policy regarding drug and alcohol abuse. The Board also noted that you waived an ADB, your best chance 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.

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