



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

SJN  
Docket No: 02474-13  
26 February 2014



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 30 August 1982. The Board found that you were briefed on the Navy's policy regarding drug and alcohol abuse. On 9 July 1984, you received nonjudicial punishment (NJP) for wrongful use of marijuana. You received restriction, extra duty, a forfeiture of pay, and reduction in paygrade. Additionally, you were counseled and warned that further drug use or misconduct could result in administrative discharge action. On 27 July 1984, you tested positive for wrongful marijuana use as evidenced by a drug rehabilitation aftercare urinalysis. On 21 August 1984, you were placed in a Level I drug rehabilitation program after being evaluated as an abuser. On 6 September 1984, you had a third drug incident as evidenced by another drug rehabilitation aftercare program positive urinalysis. On 31 October 1984, you tested positive for wrongful use of marijuana. On 9 November 1984, you were evaluated and found to be dependent on marijuana. On 21 December 1984, you once again tested positive for wrongful marijuana use. Subsequently, on 6 February 1985, administrative discharge action was initiated by reason of misconduct due to drug abuse. You elected to consult counsel and have your case

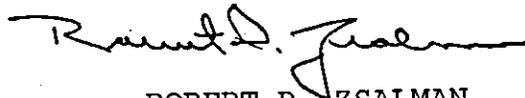
heard before an administrative discharge board (ADB). On 19 March 1985, the ADB recommended separation with an other than honorable (OTH) discharge by reason of misconduct due to wrongful drug use. On 6 April 1985, your commanding officer concurred with the ADB's findings and forwarded his recommendation that you receive an OTH discharge.

On 19 April 1985, the separation authority directed an OTH discharge by reason of misconduct due to drug abuse. You were so discharged on 30 April 1985.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, record of service, post service accomplishments, character letter, desire to upgrade your discharge, and belief that your characterization of service would automatically change after six months. 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, NJP for wrongful drug use, and failure to adhere to your command's drug rehabilitation program. Finally, you are advised that there is no provision of law or in Navy regulations that allows for recharacterization of a discharge automatically after six months or due solely to the passage of time. 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