



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

SJN

Docket No: 02489-13
12 March 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 March 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 22 December 1980. The Board found that on 11 August 1981 and 9 February 1982, you received nonjudicial punishment (NJP) for assault, wrongful use of marijuana, altering a public record, and conspiracy. On 8 April 1982, you were counseled regarding your continued use of illegal drugs and warned that further use could result in administrative discharge action. On 29 July 1982 and 4 March 1983, you received NJP for a breach of the peace and assault. On 15 March 1983, you were once again counseled about your deficiencies and warned that further misconduct could result in administrative discharge action. On 13 April 1983, you tested positive for wrongful use of drugs and were placed in a urinalysis surveillance program. On 28 April 1983, you received a fifth NJP for wrongful use of morphine. You received a forfeiture of pay, restriction, extra duty, and a reduction in paygrade.

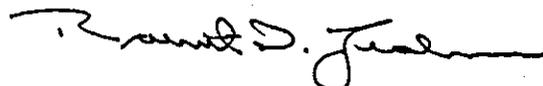
Subsequently, administrative discharge action was initiated by reason of misconduct due to drug abuse. You waived your rights to consult counsel and to have your case heard by an administrative discharge board (ADB). Your case was forwarded

recommending that you be discharged under other than honorable (OTH) conditions by reason of misconduct. Your commanding officer stated, in part, that you had not shown any improvement after numerous counseling sessions concerning your drug abuse warning issued on 8 April 1992, and that due to your obvious contempt for Navy regulations and policy regarding wrongful drug use, he recommended that you be discharged. On 20 May 1983, the discharge authority concurred with your command's recommendation, and directed an OTH honorable discharge by reason of misconduct due to drug abuse. You were so discharged on 23 May 1983.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, record of service, and post service accomplishments. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your five NJP's, two of which were for wrongful drug use, and failure to adhere to your command's drug rehabilitation program. Finally, the Board noted that you waived the right to 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