



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

SJN
Docket No: 02933-13
10 April 2014

[REDACTED]

[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 8 April 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.

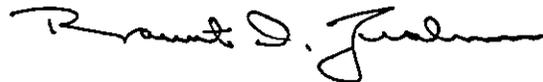
You enlisted in the Navy and began a period of active duty on 26 June 1989. The Board found that on 28 June 1989, you were briefed on the Navy's policy regarding drug and alcohol abuse. On 20 July 1990 and 6 May 1991, you received nonjudicial punishment (NJP) for sleeping on watch, underage drinking and wrongful use of marijuana and cocaine. Additionally, you were counseled and warned that further misconduct could result in administrative discharge action. During the period from 24 May 1991 and 10 February 1992, you received four additional NJP's for two periods of unauthorized absence, breaking restriction, wrongful use of marijuana, and defrauding another Sailor. Subsequently, administrative discharge action was initiated by reason of misconduct due to a pattern of misconduct. You elected to consult counsel and have your case heard before an administrative discharge board (ADB). On 10 March 1992, the ADB

found that you had committed misconduct and recommended separation with an other than honorable (OTH) discharge by reason of misconduct. On 18 March 1992, you received a seventh NJP for failing to go to your appointed place of duty and breaking restriction. On 1 April 1992, your commanding officer concurred with the ADB's findings and forwarded his recommendation that you receive an OTH discharge. On 29 April 1992, the separation authority directed an OTH discharge by reason of misconduct due to a pattern of misconduct. You were so discharged on 28 May 1992.

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 concluded these factors were not sufficient to warrant recharacterization of your discharge given your seven NJP's, two of which were for wrongful drug use, the fact that you were briefed on the Navy's policy regarding drug and alcohol abuse, and warned of the consequences of further misconduct after your second NJP. 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