



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

SJN
Docket No: 03612-13
24 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 22 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.

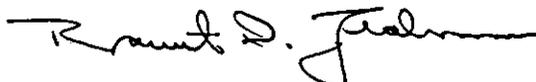
You enlisted in the Navy and began a period of active duty on 7 August 1990. The Board found that on 8 August 1990, you were briefed on the Navy's policy regarding drug and alcohol abuse. On 31 July 1992, you were convicted by civil authorities of driving under the influence of alcohol. You were sentenced to a fine and had your driver's license suspended for a period of six months. On 28 October 1992, you received nonjudicial punishment (NJP) for resisting apprehension and assault. On 8 December 1992, you were once again briefed on the Navy's policy regarding drug and alcohol abuse. On 12 April 1993, you received NJP for eight days of unauthorized absence (UA). On 23 April and 17 May 1993, you were counseled and warned that further misconduct could result in administrative discharge action. On 17 July 1993, you checked yourself into the hospital after an apparent overdose of crack cocaine. On 22 July 1993, you

received a third NJP for UA and wrongful use of cocaine. Subsequently, administrative discharge action was initiated by reason of misconduct due to drug use. You waived your rights to consult counsel, submit a statement or 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. On 30 July 1993, the separation authority concurred and directed an OTH discharge by reason of misconduct due to drug abuse. You were so discharged on 13 August 1993.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your civil conviction and three NJP's, one of which was for wrongful drug use, and the fact that you were briefed on the Navy's policy regarding drug and alcohol abuse. 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