



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

TJR  
Docket No: 4768-13  
29 April 2014



This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 15 April 2014. The names and votes of the members of the panel will be furnished upon request. 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 21 April 1987. Although you failed an accession urinalysis by testing positive for wrongful use of marijuana, you were retained because you were found to have potential for future service. In this regard, you were to undergo monthly urinalysis.

You served for about a year without disciplinary incident, however, during the period from 12 April to 7 October 1988 you received nonjudicial punishment (NJP) on two occasions for disrespect and two periods of unauthorized absence (UA) totalling 78 days. You also failed a urinalysis when your sample tested positive for the wrongful use of cocaine.

As a result, you were notified of administrative separation by reason of misconduct due to drug abuse and commission of a serious offense. After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). On 5 December 1988 an ADB recommended separation under

other than honorable conditions by reason of misconduct due to drug abuse and commission of a serious offense. Subsequently, your commanding officer, in concurrence with the ADB, also recommended discharge under other than honorable conditions by reason of misconduct due to drug abuse. On 25 February 1989 the discharge authority approved these recommendations and directed discharge under other than honorable conditions by reason of misconduct, and on 21 March 1989 you were so separated.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your post service conduct, desire to upgrade your discharge, and character reference letters. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your misconduct which resulted in two NJPs and included drug abuse. Accordingly, your application has been denied.

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