



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

BJG
Docket No: 6370-13
4 February 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.

Since your discharge is less than 15 years old, the Board did not consider your request to change your characterization of service and narrative reason for separation. You may exhaust your administrative remedy by applying to the Naval Discharge Review Board with the enclosed application form.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 4 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

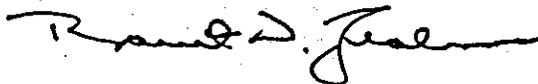
On 7 November 2012, you accepted nonjudicial punishment—(NJP)—rather than being tried by court-martial for the wrongful use of

Oxymorphone. On 15 November 2012, you were found guilty at NJP and did not appeal.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your allegations that you did not know that you were taking Oxymorphone, that you did not receive an opportunity to consult with counsel, and that you may need hip surgery. The Board found that you were given the opportunity to consult with counsel prior to your NJP, and that you signed the Unit Punishment Book acknowledging this. The Board particularly noted that in your statement of 19 November 2012, you said that taking the Oxymorphone was a "stupid mistake" and that you were remorseful. The Board concluded that you have failed to prove an error or injustice in the NJP remaining in your official military personnel file. Finally, the Board found that you received a discharge physical where you were found to be fit to be separated. In view of the above, 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

Enclosure

Copy to:
