



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

SJN

Docket No: 6680-13

30 July 2014

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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 29 July 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.

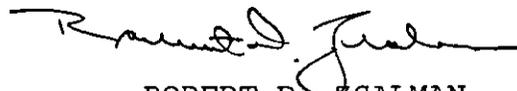
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy and began a period of active duty on 18 November 1980. The Board found that on 19 January 1981, you signed an administrative remarks document stating that you had committed a fraudulent enlistment by failing to disclose your preservice use of drugs, and that you were being retained for further service. However, you were warned that further misconduct could result in administrative discharge action. During the period from 28 August 1981 to 30 April 1982, you received four nonjudicial punishments (NJP's) for two instances of failing to go to your appointed place of duty, disobedience, wrongful possession of marijuana, and leaving your ship in an unauthorized manner. Although your record does not contain all of the documents pertaining to your discharge, it appears you were notified of pending administrative separation action by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. The separation authority directed a general discharge by reason of misconduct. You were so discharged on 3 September 1982.

The Board, in its review of your application, carefully weighed ~~all potentially mitigating factors, such as your record of~~ service and desire to upgrade your discharge. Nevertheless, the Board found that these factors were not sufficient to warrant any change in your discharge given your four NJP's, one of which was for the wrongful possession of marijuana, and the fact that you warned of the consequences of further misconduct when you were retained in the service. The Board found that you were fortunate to receive a general discharge since a discharge under other than honorable conditions is often directed when an individual is discharged for misconduct. Finally, you are advised that there is no provision of law or in Navy regulations that allows for recharacterization of a discharge automatically after six months or due solely to the passage of time. 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