



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

TJR
Docket No: 6905-13
24 July 2014

[REDACTED]

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 22 July 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 on 27 September 1984 and began a period of active duty on 22 January 1985. You served for about five months without disciplinary infraction, however, on 16 May 1985, your urine sample tested positive for the wrongful use of marijuana. As a result, you were referred for participation in a drug and alcohol rehabilitation program and to undergo weekly urinalysis screening. On 30 May 1985 you received nonjudicial punishment (NJP) for wrongful use of marijuana. In June 1985, during your second weekly screening, your urine sample tested positive for the wrongful use of cocaine.

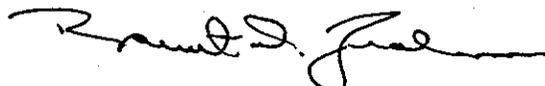
As a result of the foregoing, on 12 July 1985, you were notified of administrative separation by reason of misconduct due to drug abuse. After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). On 16 August 1985 an ADB recommended separation under other than honorable conditions by reason of misconduct due to drug abuse.

On 10 and again on 11 September 1985, you received NJP for two periods of absence from your appointed place of duty and failure to obey a lawful order by wrongful possession of alcoholic beverages while on restriction. 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 13 October 1985 the discharge authority approved these recommendations and directed discharge under other than honorable conditions by reason of misconduct, and on 18 October 1985, you were so separated.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to upgrade your discharge and assertions of being on restriction without the possibility of leaving the base and improper control over urine samples. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your repetitive drug related misconduct and failure to successfully complete a rehabilitation program. Finally, there is no evidence in the record, and you submitted none, to support your assertions. 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