



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

BJG
Docket No: 7573-13
12 August 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 12 August 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.

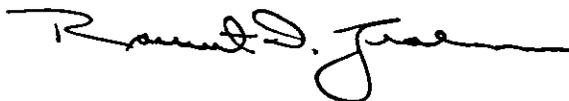
You enlisted in the Navy and entered a period of active duty on 7 April 1993. You received nonjudicial punishment for failure to obey a lawful order and wrongful possession of marijuana and drug paraphernalia. You were also counseled regarding failure to report to your appointed place of duty and disobeying a lawful order. Your commanding officer then recommended you for administrative separation with an other than honorable (OTH) characterization of service discharge due to misconduct (drug abuse). You waived your procedural right to an administrative

discharge board (ADB). On 29 August 1995, you received an OTH characterization of service discharge due to misconduct, and were assigned an RE-4 (not recommended for retention) reentry code.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your youth, allegation that the marijuana was not yours, and current desire to upgrade your discharge. However, the Board concluded that your discharge should not be changed due to your acts of misconduct. The Board noted that you waived your right to an ADB, your best opportunity for retention or a better characterization of service. Regarding your allegation, there is evidence in your record which is contrary to it. Finally, you are advised that no discharge is upgraded automatically due solely to the passage of time or post service good conduct. 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