



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

BC
Docket No: 07592-13
14 August 2014



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 13 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

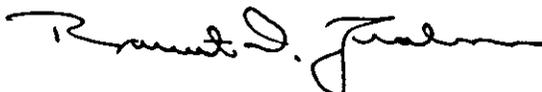
You enlisted in the Navy on 26 June 1989. On 29 June 1989, you signed and acknowledged the Navy drug and alcohol policy. On 11 July 1989, you were identified and counseled as a drug abuser based on a positive urinalysis for the wrongful use of marijuana. On 30 September 1994, you received nonjudicial punishment (NJP) for wrongful use of marijuana. On 30 September 1994, administrative separation action was initiated by reason of misconduct. After being advised of your due process rights, you waived your right to have your case heard by an administrative discharge board (ADB). On 14 October 1994, your commanding officer forwarded his recommendation that you be separated with an other than honorable characterization of service by reason of misconduct. On 7 November 1994, the discharge authority directed a under other than honorable discharge by reason of misconduct. You were so discharged on 7

December 1994, and assigned an RE-4 (ineligible for reenlistment) reentry code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your overall record of service. The Board found those factors insufficient to warrant changing your characterization of service, given your record of one NJP for wrongful use of marijuana. In addition, the Board noted that you waived your right to an ADB, your best opportunity for retention or a better characterization of service. 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