



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

BAN  
Docket No. NR08362-13  
23 September 2013

[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 28 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 reenlisted in the Navy on 7 June 1994, after more than seven years of prior honorable service. On 5 October 2005, you received nonjudicial punishment for failure to obey a lawful order and driving under the influence of alcohol. On 17 February 2009, you signed an extension. On 8 February 2010, you were convicted at a general court-martial (GCM) of unauthorized absence and two specifications of wrongful possession of a controlled substance with intent to distribute (over 57 pounds of marijuana, and 16 benzylpiperazine (BZP) tablets). Your sentence included a bad conduct discharge (BCD). Therefore, on 18 May 2011, after appellate review, you received a BCD and an RE-4 (not recommended for retention) reentry code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your prior honorable service and request to have a Certificate of Release or Discharge from Active Duty (DD Form 214) issued prior

to your active duty extension. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct. You are advised that an active duty extension is not a break in service, so the Navy had no obligation to issue a DD Form 214. 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 evidence within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in this case. 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 J. O'NEILL  
Executive Director