



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

BJG
Docket No: 3171-14
2 December 2014

5 U.S.C 552(b) (6)

Dear 5 U.S.C 552(b) (6)

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 2 December 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 reenlisted in the Navy on 16 November 1981 after four years of prior honorable service. You received nonjudicial punishment on three occasions for the wrongful use of marijuana (two instances), absence from your appointed place of duty, and failure to obey 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 - use). You waived your procedural right to an administrative discharge board (ADB). On 15 February

1985, you received an OTH characterization of service discharge due to misconduct (drug abuse - use), and were assigned an RE-4 (not recommended for retention) reenlistment code.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your youth, prior honorable service, and current desire to upgrade your discharge. However, the Board concluded that your discharge should not be changed due to your misconduct. The Board noted that you waived your right to an ADB, your best opportunity for retention or a better characterization of service. You are advised that no discharge is upgraded automatically due solely to the passage of time or post service good conduct. Finally, you are now alleging that you are suffering from post-traumatic stress disorder (PTSD). The Board particularly noted that you have failed to provide evidence of your PTSD diagnosis, and found that even if you did, it is probable that it would not be a sufficient basis to overcome drug abuse from almost 30 years ago. 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,

5 U.S.C 552(b) (6)

ROBERT J. O'NEILL
Executive Director