



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

ES
Docket No: 8111-14
6 August 2015

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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 22 July 2015. 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.

You enlisted in the Navy and began a period of active duty on 26 July 1982. You served for about 11 months without disciplinary incident, but during the period from 9 June 1983 to 21 January 1985, you received four nonjudicial punishments (NJP) failure to go to appointed place of duty, disobeying a lawful order on two occasions, absence from place of duty, wrongful use of marijuana and assault.

You were notified of pending administrative separation by reason of misconduct due to drug abuse and commission of a serious offense, at which time you elected your procedural right to consult with legal counsel, but waived your right to present your case to an administrative discharge board (ADB). Your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to drug abuse and commission of a serious offense. The discharge authority

approved this recommendation, but, separate by reason of misconduct due to drug abuse and directed separation under other than honorable conditions. On 19 April 1985, you were so discharged.

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 your assertion that you have grown to become a respectful and productive member of society. Nevertheless, the Board concluded these factors were not sufficient to warrant an upgrade of your discharge given your misconduct. In this regard, the Board concluded the severity of your misconduct which included drug abuse, disobeying lawful orders, and assault outweighed your desire to upgrade your discharge. 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 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 your 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,

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

ROBERT J. O'NEILL
Executive Director