



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

ES
Docket No: 8119-14
5 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.

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 and began a period of active duty on 18 March 1982. You served for about five months without disciplinary incident, but during the period from 10 September 1982 to 12 August 1983, you received five nonjudicial punishments (NJP) for dereliction in duty, unauthorized absence totaling 36 days, sleeping on watch, absence from place of duty and wrongful use of marijuana.

You were notified of pending administrative separation by reason of misconduct due to drug abuse at which time you waived your procedural rights. Your commanding officer recommended

discharge under other than honorable conditions by reason of misconduct due to drug abuse. The discharge authority approved this recommendation and directed separation under other than honorable conditions by reason of misconduct due to drug abuse, and on 28 October 1983, 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 were told your discharge would return to honorable if you did two weeks of rehabilitation. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of your drug related misconduct. With regard to your assertion, the Board determined that there was no evidence to substantiate your assertion, and you submitted none. Further, no discharge is automatically upgraded due to the passage of time. In this regard, the Board concluded the severity of your drug abuse 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