



DEPARTMENT OF THE NAVY
701 S. COURTHOUSE DRIVE, SUITE 4000
ARLINGTON, VA 22204-2490

TJR
Docket No: 11083-14
17 December 2014

[REDACTED]

Dear [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 16 December 2014. 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 Naval Reserve and began a period of active duty on 3 November 1987. You served without disciplinary infraction until 11 September 1990, at which time you wrongfully used marijuana.

The record reflects that on 2 November 1990, you extended your enlistment. Shortly thereafter, on 6 November 1990, you were notified of pending administrative separation by reason of misconduct due to drug abuse as evidenced by your wrongful use of marijuana during the period from 11 September to 10 October 1990, and waived your procedural rights. On 8 November 1990, you received nonjudicial punishment (NJP) for wrongful use of marijuana.

Subsequently, you were administratively processed for separation by reason of misconduct due to drug abuse. The discharge authority directed separation under other than honorable conditions by reason of misconduct, and on 7 March 1991, 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 assertion that you should not have to continue to suffer for a mistake you made as a young man. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your drug related misconduct which is reflected by your failure to heed to the Navy's Zero Tolerance Policy. 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 or other matter not previously considered by the Board within one year from the date of the Board's decision. 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