



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

EGA
Docket No: 3955-14
13 April 2015

[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.

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 26 March 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 7 July 2004. You served without disciplinary incident until 13 May 2005, when you received nonjudicial punishment (NJP) for wrongful use of a controlled substance. As a result, you were recommended for an administrative separation by reason of misconduct due to drug abuse. On 12 July 2006, you were discharged with an other than honorable characterization of service and assigned an RE-4 reentry code.

Your record further reflects that on 8 October 2013, the Naval Discharge Review Board (NDRB) changed the characterization of

your service to "general under honorable conditions."

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to change your RE-4 reenlistment code based on the change in your record made by NDRB. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your misconduct.

Further, the Board noted that you were found guilty at NJP and not recommended for retention or reenlistment. With that being said, the Board concluded that the change made by NDRB in no way negated these actions. Finally, the Board believed that you were fortunate to have received a change in your record and concluded that any further change was unwarranted. 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