



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

SJN
Docket No: 583-14
24 February 2015



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 3 February 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.

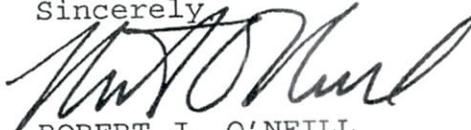
You enlisted in the Marine Corps and began a period of active duty on 23 June 1986. On 18 February 1988, you were counseled regarding your blatant disregard for regulations and policy regarding the use and possession of illegal controlled substances. On 23 February 1988, you received nonjudicial punishment (NJP) for wrongful use of cocaine. You received a reduction in paygrade, a forfeiture of pay, restriction and extra duty. Subsequently, administrative discharge action was initiated by reason of misconduct due to wrongful drug use. You waived your rights to consult counsel, submit a statement, or have your case heard by an administrative discharge board (ADB). Your case was forwarded to the separation authority recommending

that you receive an other than honorable (OTH) discharge by reason of misconduct. On 15 August 1988, the separation authority concurred and directed your separation. You were so discharged on 29 August 1988.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your record of service, post service medical issues, desire to upgrade your discharge, and claim of a bipolar disorder. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the fact that you were counseled regarding the illegal use of drugs, and NJP for wrongful drug use. Regarding your claim of suffering from bipolar disorder, the Board may only consider a claim of bipolar disorder when an applicant presents clear evidence that the bipolar disorder is service connected and related to the alleged error or injustice. Despite claim of having a bipolar disorder, the Board determined it insufficient to warrant relief since there is no evidence in the record to support it, and you submitted none. 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



ROBERT J. O'NEILL
Executive Director