



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

HCG

Docket No: 0661-14

15 January 2015

Dear [REDACTED]

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 7 January 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 2 August 1982. On 5 April 1984, you received nonjudicial punishment (NJP) for wrongful use of marijuana. However, on 9 April 1984, a substance abuse report was issued stating that you exhibited potential for future service. Also, your record contains an administrative remark entry stating that you were being retained in the naval service and that a deficiency of drug use was identified in your conduct. The entry further stated that you were to eliminate the use of drugs and seek counseling or assistance, and that any further deficiencies in your performance or conduct may result in disciplinary action and administrative processing. You signed the form and chose not to make a statement.

You continued your service without incident until 30 June 1986 when you received NJP for wrongful use and possession of cocaine. On 22 July 1986, your commanding officer recommended you for administrative separation by reason of misconduct due to drug abuse. On 5 August 1986, you waived your right to an administrative discharge board. Finally, on 10 October 1986, you received an other than honorable discharge by reason of misconduct due to drug abuse (use).

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 to honorable. Nevertheless, the Board found these factors were not sufficient to warrant changing your characterization of service. You stated in your application that you were having mental health issues at the time of your drug use, which was untreated by the Navy; however, there is nothing in your record to support any mental health issues. 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