



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

TJR  
Docket No: 841-14  
12 February 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.

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 Navy Reserve and began a period of active duty on 27 March 1991. About five months later, on 8 August 1991, you received nonjudicial punishment (NJP) wrongful use of cocaine and absence from your appointed place of duty. Shortly thereafter, after waiving your procedural rights to consult with legal counsel and present your case to an administrative discharge board, your commanding officer recommended separation under other than honorable conditions by reason of misconduct due to drug abuse/use. On 16 September 1991, the discharge authority approved the foregoing recommendation and directed separation under other than honorable conditions by reason of misconduct, and on 30 September 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 were not afforded counselling or rehabilitation. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your drug

related misconduct during the period of the Navy's "Zero Tolerance" policy. Further, you were given an opportunity to defend your actions, but waived your procedural rights. Finally, the Board concluded that your assertion is without merit since there is no evidence in the record, and you provided no such evidence to support this assertion. 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,

A handwritten signature in black ink, appearing to read "Robert J. O'Neill", written in a cursive style.

ROBERT J. O'NEILL  
Executive Director