



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

SJN
Docket No: 0889-14
3 March 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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 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.

On 24 January 1992, you reenlisted in the Navy after serving over nine years of satisfactory service. Based on the information currently contained in your record, on 13 September 1993, you were diagnosed with an adjustment disorder with mixed emotional features, moderate marital problems, and marijuana abuse. At that time, it was determined that you were psychologically fit for full duty and responsible for your actions. On 31 October 1995, you received NJP for wrongful use of cocaine. You received a forfeiture of pay, a reduction in paygrade and a letter of reprimand. 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 forward to the separation authority, and it was directed that you receive an OTH discharge by reason of misconduct. You were so discharged on 12 December 1995.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your record of service and desire to upgrade your characterization of service. Nevertheless, based on the information currently contained in your record, the Board concluded these factors were not sufficient to warrant changing your characterization of service, or the reason for your discharge given your NJP for wrongful use of cocaine, and the fact that although you were diagnosed with an adjustment disorder, you were found fit for duty and responsible for your actions. Accordingly, your application has been denied.

The Board believes that you may be eligible for veterans' benefits that accrued during your first period of service. Whether or not you are eligible for benefits based on either period of service is a matter under the cognizance of the Department of Veterans Affairs (DVA). If you have been denied benefits, you should appeal that denial under procedures established by the DVA.

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