



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

[REDACTED]
Docket No. 3161-16
APR 20 2017

[REDACTED]
Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 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 case on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 30 January 2017. 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.

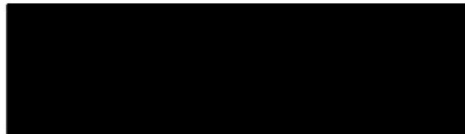
You enlisted in the Navy and began a period of active duty on 1 October 1991. Between the period of 8 July 1992 and 17 September 1992, you had three periods of unauthorized absences from the command. On 10 December 1992, you received nonjudicial punishment for the offenses of unauthorized absence and wrongfully using cocaine. Subsequently, your Commanding Officer notified you that you were being considered for an administrative separation by reason of commission of a serious offense and misconduct due to drug abuse. You elected not to consult with counsel and not to have your case heard before an administrative discharge board (ADB). On 16 December 1992, you received substance abuse/dependency evaluation and screening for the history of positive urine toxicology screen of November 1992, which led to nonjudicial punishment. On 29 December 1992, the Separation Authority directed your discharge and on 11 January 1993 you were discharged.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your contention that you had a solid career prior to the period of error and your desire to upgrade your discharge from OTH to honorable. However, the

Board determined that these factors were not sufficient enough to warrant relief in your case because of the seriousness of your offenses and your failure to provide proof sufficient to warrant upgrading your discharge from OTH to discharge. Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence not previously considered by the Board. 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,



Executive Director