




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


Docket No. 3760-16
SEP 26 2017



Dear 

This is in reference to your application for correction of your naval record pursuant to the provisions of 10 U.S.C. §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 21 June 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 4 May 1987. On 8 April 1993, you underwent a drug and alcohol evaluation where it was noted that you showed no potential for continued useful service in the Navy being that you were diagnosed as an alcohol and drug abuser resulting in a recommendation that you be separated. On 25 February 1994, you received nonjudicial punishment (NJP) for violation of the Uniform Code of Military Justice (UCMJ) Article 81, conspiracy and Article 112A, two specifications of wrongful use of a controlled substance being Lysergic Acid Diethylamide (LSD). As a result of the foregoing, an administrative discharge board (ADB) was held. The ADB unanimously found that you committed misconduct due to drug abuse and recommended that you be discharged with an Other Than Honorable (OTH) characterization of service. Thereafter, the separation authority directed an OTH discharge due to misconduct due to drug abuse. On 27 August 1994 you were discharged with an OTH characterization of service.

The Board, in its review of your record, and application with supporting documentation, carefully weighed all potentially mitigating factors, such as your desire to upgrade your character of service and rationale for your misconduct. The Board concluded these factors were not sufficient to warrant relief in your case, because no error or injustice was identified in its review of your record. 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