



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

[REDACTED]  
Docket No: 3833-16  
MAY 24 2017

[REDACTED]  
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 our application on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 February 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 17 July 1986. You served for a year and seven months without disciplinary incident, but on 26 February 1988, you received nonjudicial punishment (NJP) for wrongful use of marijuana. Subsequently, you were notified of pending administrative separation processing with an other than honorable (OTH) discharge by reason of misconduct due to drug abuse. You elected to consult with legal counsel and subsequently requested an administrative discharge board (ADB). The ADB found that you had committed misconduct and recommended that you be discharged under OTH conditions by reason of misconduct due to drug abuse. On 22 April 1988, you once again received NJP for absence from your appointed place of duty and using disrespectful language toward a noncommissioned officer. The separation authority concurred with the ADB and approved and directed an OTH discharge by reason of misconduct due to drug abuse. On 18 July 1988, you were so discharged.

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. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your claim that you were immature and made bad choices. The Board concluded these factors were not sufficient to warrant relief in your case because of the

seriousness of your misconduct that resulted in two NJPs and wrongful drug use in light of the Navy's policy of "zero tolerance." In regard to your claim of immaturity, the Board felt that your record clearly reflected your willful misconduct and demonstrated you were unfit for further service. 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,

A solid black rectangular box used to redact the signature of the Executive Director.

Executive Director