

Dear

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 25 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 23 February 1988. On 14 December 1989, you received nonjudicial punishment (NJP) for absent from your appointed place of duty. On 25 April 1990, you were convicted by a special court martial (SPCM) of wrongful distribution of marijuana, wrongful use of marijuana, wrongful distribution of LSD onboard a naval vessel, wrongful possession of LSD onboard a naval vessel and the wrongful use and distribution of methamphetamines.

The Board, in its review of your record and application, carefully weighed all potentially mitigating factors, such as your post service accomplishments and your contention that your

charges were brought by a flawed NIS investigation involving nine other service members and your court appointed counsel was inadequate. The Board also noted your post military education and accomplishments. The Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your drug-related and other misconduct. Further, regarding your contentions, the Board noted that there is no evidence in your record, and you submitted none, to support your contentions. 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 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