



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

[REDACTED]
Docket No: 3999-16
APR 08 2017

[REDACTED]
Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 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 19 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.

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.

You enlisted in the Navy, began a period of active duty on 12 August 1996, and served three years and seven months without disciplinary incident. Your record is incomplete and does not contain all the information pertaining to the nonjudicial punishment (NJP) you received on 10 March 2000 for the wrongful use of marijuana.


Subsequently, administrative discharge action was initiated by reason of misconduct due to drug abuse. After you waived your procedural rights, your Commanding Officer recommended discharge under other than honorable (OTH) conditions by reason of misconduct due to drug abuse. The discharge authority approved this recommendation and directed separation under OTH conditions by reason of misconduct. On 14 April 2000, you were so discharged with an OTH characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors such as the loss of your military identification card, the use of your driver's license to prove your identity during the drug test, and the impending birth of your child. However, the Board concluded these factors were not sufficient to warrant relief in your case given the

seriousness of your drug-related misconduct. The Board concluded the severity of your misconduct clearly supported the Commanding Officer's decision to process you administratively for an OTH discharge. The Board did not find that the use of your driver's license, when you were awaiting the issuance of a new military identification card, an error or injustice that warrants changing the characterization you received. Additionally, the Board concluded you knowingly and voluntarily chose to waive your right to an administrative discharge board on 13 March 2000 and again on 4 April 2000 when you amended your administrative separation processing notice and waived your right to submit statements to the separation authority or to obtain copies of all documents supporting the proposed separation. Accordingly, your application has been denied.

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,


Executive Director