



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

[REDACTED]
Docket No: 4005-16
SEP 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 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 12 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 with a three year commitment, and began a period of active duty on 26 June 1996. You served without disciplinary incident for approximately four months. On 7 November 1996, you received nonjudicial punishment (NJP) for failure to obey a lawful order and wrongful use of a controlled substance (marijuana). Officer in Charge, Naval Air [REDACTED] notified you of administrative separation proceedings, and recommended that you be discharged with an other than honorable characterization of service. You waived your right to appear before an administrative separation board. On 5 December 1996, you were discharged from the Navy with an other than honorable characterization of service on the basis of misconduct.

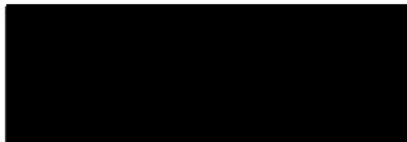
The Board considered your request for an upgrade to your discharge characterization from other than honorable to general. When making its determination, the Board noted that you come from a blue collar family that has served in the military. You ask that your momentary lapse in judgment be taken into consideration, and that your discharge be upgraded so that you can better provide for your family, your relatives, and yourself.

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After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material or injustice. The Board carefully weighed all potentially mitigating factors such as your youth and your relative inexperience in the military at the time of your misconduct. The Board found that the seriousness of your misconduct of use of a controlled substance while in an active duty status was sufficient to support the other than honorable discharge characterization. Your desire to better provide for your loved ones and your self is admirable, but the Board concluded that you did not provide sufficient evidence to overcome your wrongful use of a controlled substance. The Board determined that the other than honorable discharge characterization was issued without error or injustice. 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