



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

██████████
Docket No: 4023-16
MAR 13 2017

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Dear ██████████

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 18 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 and began a period of active duty on 15 October 1985. During the period from 20 March 1987 to 9 March 1988, you received three nonjudicial punishments (NJP) for the following offenses: Failure to obey a lawful order, willfully disrupting good order and discipline, missing ship's movement, five periods of unauthorized absence totaling 43 days and the wrongful use of a controlled substance (marijuana).

Subsequently, you were notified of administrative separation, at which time you waived your right to consult with counsel and to present your case to an administrative discharge board (ADB). The Commanding Officer recommended administrative discharge with an Other Than Honorable (OTH) characterization of service. The separation authority directed discharge with an OTH discharge by reason of misconduct due to a pattern of misconduct. On 23 May 1988, you were so discharged.

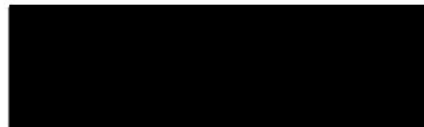
The Board, in its review of your record and application, carefully weighed all potentially mitigating factors, such as your contention that since you have been discharged from the service, you have not had a criminal record. The Board concluded these factors were not sufficient to


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warrant relief in your case because of the seriousness of your repeated misconduct that resulted in three NJPs, which included the wrongful use of a controlled substance. The Board noted that the record shows that you were notified of and waived your procedural right to present your case to an ADB. In doing so, you gave up your first and best opportunity to advocate for retention or a more favorable characterization of service. 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