



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

[REDACTED]  
Docket No: 4334-16  
APR 14 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 31 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 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 21 May 1991. On 5 July 1995, you were convicted by civil authorities of reckless driving. On 14 June 1997, you received nonjudicial punishment (NJP) for the wrongful use of marijuana. As a result of the foregoing, on 26 June 1997 you were notified of proposed administrative separation action by reason of misconduct due to drug abuse. You elected to consult with legal counsel and requested to have your case presented to an administrative discharge board (ADB). The ADB found you committed misconduct due to drug abuse and recommended separation under other than honorable (OTH) conditions. The separation authority approved this recommendation, and on 13 August 1997, you were discharged with an OTH characterization of service.


The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors including, but not limited to, your immaturity and poor judgment, your desire to upgrade your discharge, and your apology for letting the Navy, your family, and yourself down. However, the Board found these factors were not sufficient to warrant relief in your case given the seriousness of your misconduct. Additionally, there is no provision of federal law or in Navy regulations that allows for a discharge upgrade, recharacterization of service, or a change

  
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in a reentry code due solely to the passage of time. 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