



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

[REDACTED]
Docket No: 6500-16
FEB 03 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 18 November 2016. 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.


The Board noted that the available records appeared to be incomplete and they did not have access to all of your separations paperwork. Of the available records, it was noted that you enlisted in the Navy and began a period of active duty on 3 October 1983. You served without disciplinary incident until 3 May 1984, when you received nonjudicial punishment (NJP) for possession of marijuana and drug paraphernalia. On 13 June 1984, you received a second NJP for disrespect. On 28 February 1986, the records show you received a third NJP, but the records were incomplete and the Board was unable to confirm the charges. On 2 October 1986, you received a fourth NJP for wrongful use of a controlled substance and unauthorized absence (UA). As a result of the foregoing, administrative discharge action was initiated. After being afforded your procedural rights, it appears that you requested to submit a statement, but the Board found no additional statements in its review of your administrative separation. Shortly thereafter, the separation authority directed an Other Than Honorable conditions discharge by reason of misconduct due to a pattern of misconduct. On 6 October 1986, you were so discharged.


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The Board, in its review of your record, although incomplete, and application with supporting documentation, carefully weighed all potentially mitigating factors, such as your desire to upgrade your character of service and to obtain medical benefits, and your assertion that you were previously offered an upgrade. The Board concluded these factors were not sufficient to warrant relief in your case, given the seriousness of your repeated misconduct. 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. New evidence is evidence not previously considered by the Board prior to making its decision 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