



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

[REDACTED]
Docket No. 6901-16

NOV 2 8 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 28 August 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, relevant portions of your naval record and applicable statutes, regulations and policies.

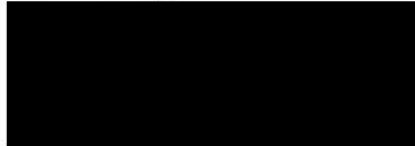
You reenlisted in the Marine Corps on 6 July 1985, after over five years of honorable service. On 25 September 1986, you received nonjudicial punishment (NJP) for two specifications of disobeying a lawful order from a noncommissioned officer (NCO) and wrongful use of reproachful words. On 26 September 1989, you were convicted at a special court-martial (SPCM) for wrongful use of cocaine and three specifications of unauthorized absence (UA) totaling 15 days. On 6 February 1990, you received an NJP for UA totaling two days. On 12 September 1991, you were convicted at a SPCM for failure to be at appointed place of duty, three specifications wrongful use of cocaine and UA for seven and a half hours. You were sentenced to a bad conduct (BCD) discharge, confinement for four months, and reduction to E-1. On 4 August 1993, while on appellate leave, you were discharged with a BCD.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. The Board carefully weighed your desire to upgrade your character of service, your character reference letters, post-service drug treatment, and contention that had you received proper treatment for your addiction, you would have received a better characterization of service. The Board determined that the severity of your misconduct outweighed your desire to upgrade your characterization of discharge. Additionally, your record indicated that you were afforded

the opportunity to undergo VA treatment for drug abuse but failed to respond to the notification for treatment. 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