



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

[REDACTED]  
Docket No: 7329-16  
OCT 29 2017

[REDACTED]  
Dea [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 30 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 enlisted in the Navy and began a period of active duty on 16 June 1982. On 30 June 1982 you were granted a waiver and retained in the Navy after discovery that you had failed to disclose pre-service drug abuse. You were advised that any further drug involvement may result in disciplinary action. You served for a year without disciplinary incident, but on 25 July 1983, you received nonjudicial punishment (NJP) for insubordinate conduct toward a noncommissioned officer. A year later, on 29 October 1984 you were convicted by general court-martial (GCM) of wrongful use of marijuana, wrongful distribution of lysergic acid diethylamide (LSD), wrongful possession of drug paraphernalia and unauthorized absence. You were sentenced to confinement at hard labor, a forfeiture of pay, reduction in paygrade and a bad conduct discharge (BCD). On 21 March 1986, you received the BCD after appellate review was complete.

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, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your post service conduct and that the incidents that lead to your

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discharge could have been corrected with counseling and mentoring and your contention that you were told if you stayed out of trouble and obeyed the laws your discharge would be reconsidered and upgraded. The Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your misconduct that resulted in an NJP, GCM and wrongful drug use in light of the Navy's policy of "zero tolerance." 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,

[REDACTED]

Executive Director