



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

[REDACTED]
Docket No: 7861-16

NOV 07 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.

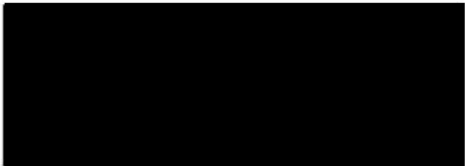
Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 20 September 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 12 February 1979. You served for about five months without disciplinary incident, but during the period from 19 July 1979 to 12 December 1980, you received nonjudicial punishment (NJP) on eight occasions. Your offenses were wrongful possession and use of a controlled substance, failure to obey a lawful order by possessing marijuana, failure to go to your appointed place of duty, failure to obey a lawful written order, failure to obey a general regulation by possessing a dangerous weapon onboard a naval base, unauthorized absence (UA) from your appointed place of duty, failure to obey a lawful order from a noncommissioned officer, wrongful possession of 1.5 ounces of marijuana, and failure to maintain a clean billet space. Subsequently, you were notified of pending administrative separation by reason of unfitness due to frequent involvement of a discreditable nature and wrongful drug use. After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). On 5 February 1981, the ADB found that you committed misconduct and recommended that you be separated with an other than honorable (OTH) characterization of service. The separation authority agreed with the finding and recommendation of the ADB and directed your commanding officer to issue you an OTH discharge by reason of frequent involvement, and on 1 May 1981, you were discharged.

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 carefully weighed all potentially mitigating factors and your contention that you worked hard at your job and all you did was smoke marijuana occasionally. The Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your repeated misconduct that resulted in eight NJPs and wrongful drug use. 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