



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

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Docket No: 0404-20

Ref: Signature Date

Dear ■■■■■■■■■■

This letter is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. After careful and conscientious consideration of the entire record, the Board for Correction of Naval Records (Board) found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

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, sitting in executive session, considered your application on 22 October 2020. 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, as well as applicable statutes, regulations, and policies.

You enlisted in the Navy and began a period of active duty on 14 November 1969. On 7 April 1971, you received non-judicial punishment (NJP) for larceny. On 30 December 1971, you received an administrative counseling concerning your alleged involvement with military authorities. You were informed that any further misconduct in your performance could result in not only disciplinary action, but also processing for administrative discharge from the naval service. On 1 January 1972, you received your second NJP for wrongful use and possession of marijuana. Unfortunately, your administrative separation documents are not in your service record. In such cases, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. Based on your Certificate of Release or Discharge from Active Duty (DD Form 214), you were discharged from the naval service on 22 February 1972, with a general (under honorable conditions) characterization of service by reason of unfitness.

The Board carefully weighed all potentially mitigating factors in your case, including your desire to upgrade your discharge. The Board considered your assertion that smoking was the “stupid actions of a young man, who joined the Navy in order to serve his country during Vietnam.” Since your discharge, you received a Bachelor’s and Master’s Degree; you taught high school for 34 years; and you volunteered to teach inmates in █ County Jail. You have since retired, raised three girls, and you are a grandfather. You have not smoked marijuana in over 45 years, and you have tried to be the best man you could be.

The Board noted you did not provide any documentation or advocacy letters in support of your request for an upgrade of your characterization of service. After careful consideration, the Board concluded that these factors were not sufficient to warrant relief in your case because of the seriousness of your repeated misconduct that resulted in two NJPs, one of which included the wrongful use of a controlled substance. Unfortunately, under the totality of the circumstances, the Board discerned no probable material error or injustice in the discharge.

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 matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or 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,

12/10/2020

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Executive Director

Signed by: █