



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: 3279-20

Ref: Signature Date

Dear ■■■■■■■■■■

This 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice. Consequently, your application was 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 for Correction of Naval Records, sitting in executive session, considered your application on 9 November 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, and applicable statutes, regulations, and policies.

You enlisted in the Navy and began a period of active duty on 28 September 1998. On 8 September 2000, nonjudicial punishment (NJP) was imposed on you for Wrongful Use of Drugs. Subsequently, administrative separation action by reason of Misconduct – Drug Abuse, was initiated against you. On 11 October 2000, you consulted counsel and requested an administrative board. On 14 February 2001, an administrative board found a basis for separation and recommended retention. On 23 March 2001, your Commanding Officer (CO) recommended retention. On 6 April 2001, CO, Special Boat ■■■■■■■■■■ recommended retention. On 10 April 2001, Commander, ■■■■■■■■■■ forwarded the case to Commander, Navy Personnel Command without a recommendation. On 8 June 2001, Chief of Naval Personnel forwarded the case to Assistant Secretary of the Navy (Manpower and Reserve Affairs) [ASN (M&RA)] and recommended administrative separation with a General discharge. On 28 June 2001, ASN (M&RA) directed you be administratively separated with a General discharge. On 18 July 2001, you were discharged with a General discharge.

You have requested an upgrade of your discharge to Honorable. In your request, you noted that a rule was changed that would now let you stay in. However, you did not cite any specific rule permitting this, and the Board is unaware of any such rule change. In reviewing the circumstances of your separation and characterization of service, the Board considered the totality of the circumstances to determine whether relief is appropriate today in the interests of justice in accordance with guidance provided by the Under Secretary of Defense for Personnel and Readiness (*Wilkie Memo of 25 July 2018*). Accordingly, the Board considered and acknowledged your positive contributions to the Navy, the length of your active duty service to our nation, and your post-discharge achievements. Even considering these potentially mitigating factors in accordance with the above referenced guidance, the Board did not find that relief was in the interest of justice. The Board concluded that your General discharge characterization was issued without error or injustice, and that corrective action is not warranted.

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 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,

12/19/2020

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Executive Director

Signed by █