



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

SJN
Docket No: 00207-12
22 October 2012

[REDACTED]

[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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 17 October 2012. 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, your naval record, and applicable statutes, regulations, and policies.

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.


You enlisted in the Navy and began a period of active duty on 1 February 1982. The Board found that on 2 February 1982, you were briefed on the Navy's policy on drug and alcohol abuse. On 18 December 1983, you were convicted by summary court-martial (SCM) of 23 days of unauthorized absence (UA). On 9 January 1984, you received nonjudicial punishment (NJP) for larceny from the Navy Exchange. On 2 March 1984, you were convicted by SCM of 29 days of UA. On 9 March 1984, you were counseled and warned that further misconduct could result in administrative discharge action. On 4 March 1985, you were convicted by a third SCM of wrongful possession and use of marijuana. You were sentenced to confinement at hard labor, a forfeiture of pay, and a reduction in paygrade. Subsequently, administrative discharge action was initiated by reason of misconduct due to a pattern of misconduct. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). On 1 April 1985, your case was forwarded recommending that you be discharged under other than honorable (OTH) conditions by reason

of misconduct. On 8 April 1985, the separation authority concurred and directed an OTH discharge by reason of misconduct due to a pattern of misconduct. You were so discharged on 11 April 1985.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your NJP and three SCM convictions, the last being for the wrongful use of drugs, and the fact that you were counseled and warned of the consequences of further misconduct after your second SCM. The Board also noted that you waived the right to an ADB, your best chance for retention or a better characterization of service. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

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 and material evidence or other matter 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,



ROBERT D. ZSALMAN
Acting Executive Director