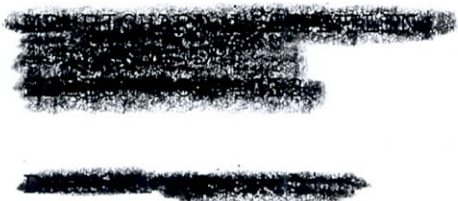




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD SUITE 1001
ARLINGTON VA 22204-2490

BAN
Docket No: 02321-12
25 March 2013



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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 20 March 2013. 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 on 3 November 1980, and served without disciplinary incident, until 21 February 1983, when you received nonjudicial punishment (NJP) for an unauthorized absence (UA) in excess of 39 days. Shortly thereafter, you received another NJP on 6 March 1984, for the illegal use of a controlled substance (marijuana). On 12 March 1984, you were screened by a medical health facility and deemed not to be drug dependent. You were recommended for separation with an other than honorable (OTH) discharge due to misconduct (drug abuse). You elected to consult with counsel but waived your administrative discharge board (ADB). Therefore, the separation authority approved the recommendation and on 30 March 1984, you were separated with an OTH discharge due to misconduct (drug abuse) and an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, post service conduct and claim that you were severely affected by the Beirut, Lebanon bombing in 1983 in which you lost friends. Nevertheless, the Board concluded these factors were not sufficient to warrant a change to your characterization of service, due to your misconduct. Furthermore, the Board found that although you exercised your right to consult with counsel, you waived your ADB, your best opportunity for retention, or a better characterization of service. Regarding your claim that you were present in Beirut during the barracks bombing, there is no evidence in your record and you provided no such evidence, but that you were only stationed aboard the USS IWO JIMA. In view of the above, 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