



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

CRS

Docket No: 2350-13

30 April 2014

[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 5 February 2014. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

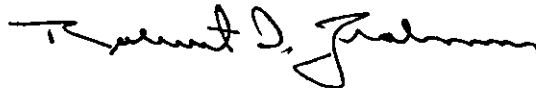
The Board found that you enlisted in the Navy Reserve on 16 November 1994. On 26 April 1996 a special court-martial convened and found you guilty of two periods of unauthorized absence totaling 271 days during the years 1995 to 1996, wrongful use of cocaine on two occasions, and wrongful possession of cocaine. The court sentenced you to confinement for 60 days, reduction in pay grade, and a bad conduct discharge (BCD). Thereafter, on 9 April 1997 you were convicted by civil authorities of wrongful possession of cocaine. The civil court sentenced you to probation, a fine, and your driving license was

suspended for six months. You received the BCD on 16 July 1997 after appellate review.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, overall service, and the unsubstantiated contention that you were not an unauthorized absentee from 1995 to 1997. The Board concluded that these factors were insufficient to warrant recharacterization of your service, given the serious nature of your misconduct. 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