



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

SJN
Docket No: 02415-13
12 February 2014

[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 11 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 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 3 February 1988. The Board found that on 5 February 1988, you were briefed on the Navy's policy regarding drug and alcohol abuse. On 7 February 1990, you received nonjudicial punishment (NJP) for unauthorized absence. On 6 November 1992, you received a second NJP for wrongful use of marijuana. You received a reduction in paygrade, a forfeiture of pay, restriction and extra duty. Subsequently, administrative discharge action was initiated by reason of misconduct due to wrongful drug use. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). Your case was forwarded recommending that you be discharged under other than honorable (OTH) conditions by reason of misconduct. Your commanding officer stated, in part, that that all personnel were warned during indoctrination of the command's strict adherence to the Navy's policy of Zero Tolerance, were reminded through the Plan of the Day and quarters formation, and that you

were well aware of the these facts when you committed your drug offense. On 30 November 1992, the separation authority concurred and directed an OTH discharge by reason of misconduct due to wrongful drug use. You were so discharged on 10 December 1992.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, Desert Storm/Shield service, and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your two NJP's, one of which was for wrongful drug use, and the fact that you were briefed on the Navy's policy regarding drug and alcohol abuse, and by your chain of command. Further, the Board 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