



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

TJR
Docket No: 4903-13
29 April 2014

[REDACTED]

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 15 April 2014. 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, 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:

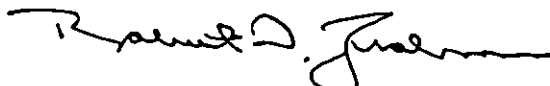
You enlisted in the Navy and began a period of active duty on 8 October 1989. You served without disciplinary incident until 24 June 1993, when you received nonjudicial punishment (NJP) for wrongful possession and use of marijuana. Shortly thereafter, on 27 June 1993, you were notified of pending administrative separation by reason of misconduct due to drug abuse. After consulting with legal counsel, you elected to waive your right to present your case to an administrative discharge board (ADB).

Subsequently, on 6 July 1993, your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to drug abuse. This recommendation noted, in part, that although you had performed admirably in the past, you deliberately violated one of the cornerstone tenets of honorable service by wrongfully using a controlled substance. On 13 July 1993 the discharge authority approved this recommendation and directed separation under other than honorable conditions by reason of misconduct, and on 16 July 1993 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your period of satisfactory service, post service conduct, and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your drug related misconduct, which was in directed violation of the Navy's Zero Tolerance policy. Further, you were given an opportunity to defend your actions, but waived your procedural right to present your case before an ADB. Finally, no discharge is automatically upgraded due solely to the passage of time or an individual's good post service conduct. Accordingly, your application has been denied.

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