



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

BC
Docket No: 07163-13
11 September 2014

[REDACTED]

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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 10 September 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.

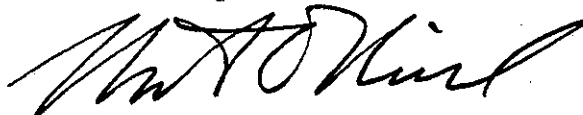
You reenlisted in the Navy on 13 January 1989, after serving over seven years of prior honorable service. On 27 January 1989, you received nonjudicial punishment (NJP) for wrongful use of marijuana. On 19 July 1989, you provided a urine sample which tested positive for the wrongful use of cocaine for which no disciplinary action was taken. On 19 July 1989, you were convicted by a special court-martial (SPCM) of being in an unauthorized absence (UA) status on three occasions totaling 32 days. You were sentenced to reduction in pay grade and confinement for three months. You were advised that your commanding officer was recommending you for administrative separation. You elected to have your case heard by an administrative discharge board (ADB). On 26 September 1989, your case was heard and the ADB determined that you had committed misconduct that warranted administrative separation

under other than honorable conditions (UOTHC). Your commanding officer concurred with the ADB. The discharge authority approved the recommendation and directed a discharge UOTHC. On 5 December 1989, you were so discharged and assigned an RE-4 (ineligible for reenlistment) reenlistment code.

The Board, in its review of your application, considered all potentially mitigating factors present in your case, such as your prior honorable service. Nevertheless, the Board found those factors insufficient to warrant changing the characterization of your service, given your record of an NJP for drug abuse, positive urinalysis and a conviction by a SPCM. 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 J. O'NEILL
Executive Director