



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

SJN
Docket No: 8506-14
3 August 2015

Dear

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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 27 July 2015. 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 29 April 1985. On 1 May 1985, you were briefed on the Navy's policy regarding drug and alcohol abuse. During the period from 29 April 1986 to 8 January 1988, you received three nonjudicial punishments (NJPs) for going from your appointed place of duty, use of disrespectful language, being incapacitated for the proper performance of duty, unauthorized absence, being absent from your appointed place of duty, two instances of disobedience, and wrongful use of marijuana. Subsequently, administrative discharge action was initiated by reason of misconduct due to wrongful drug use. After being afforded all of your procedural rights, you received an other than honorable discharge on 22 March 1988.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your record of service, desire to change your discharge, and belief that your characterization of service would be upgraded six months after your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant changing your characterization of service given the seriousness of your misconduct that resulted in your three 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. Finally, you are advised that there is no provision of law or in Navy regulations that allows for recharacterization of a discharge automatically after six months or due solely to the passage of time. 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 within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in your case. 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,
5 U.S.C. 552(b) (6)

ROBERT J. O'NEILL
Executive Director