



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

██████████
Docket No: 288-16
DEC 20 2016

██████████
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██████████
Dear ██████████

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.

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 30 August 2016. 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, began a period of active duty on 9 July 1992, and served 15 months without disciplinary incident. On 26 October 1993, you received nonjudicial punishment (NJP) for wrongful use of marijuana and making a false official statement.

Subsequently, administrative discharge action was initiated by reason of misconduct due to drug abuse. After you waived your procedural rights, your commanding officer recommended discharge under other than honorable (OTH) conditions by reason of misconduct due to drug abuse. The discharge authority approved this recommendation and directed separation under other than honorable conditions by reason of misconduct. On 31 December 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 desire to upgrade your discharge and your contention that you were depressed but you worked hard, like your shipmates, during the Gulf War and one mistake shouldn't cause you to lose your benefits. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case given the seriousness of your drug-related misconduct. In this regard, the Board concluded the severity of your misconduct outweighed your desire to upgrade

your discharge and clearly supported the commanding officer's decision to issue you an OTH discharge. The Board noted that the record shows you were notified of and waived your procedural right to present your case to an administrative board (ADB). In doing so, you gave up your first and best opportunity to advocate for retention or a more favorable characterization of service. 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,



Executive Director