



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

[REDACTED]
Docket No: 3252-16
JUN 01 2017

[REDACTED]
Dear [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.

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 21 March 2017. 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.

You enlisted in the Navy and began a period of active duty on 14 February 1977. During the period from 30 June 1977 to 23 January 1979, you received six nonjudicial punishments (NJP) for the following offenses: two specifications of wrongful use and possession of marijuana, disorderly conduct, absent from your appointed place of duty, disobeying a petty officer, resisting arrest, and unauthorized absence (UA) on two separate occasions totaling five days. You were also convicted by summary court-martial (SCM) of 26 days of UA, missing ship's movement, and breaking restriction. Subsequently, you were notified of pending administrative separation action by reason of misconduct due to drug abuse. After you waived your procedural rights, your Commanding Officer recommended discharge under other than honorable conditions (OTH) by reason of misconduct due to drug abuse. On 20 March 1979, you received an additional NJP for following offenses: absent from your appointed place of duty, failure to obey a lawful order, breaking restriction and losing government property. On 10 April 1979, the discharge authority approved your Commanding Officer's recommendation and directed separation under other than honorable conditions by reason of misconduct. On 17 April 1979, you were discharged.

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. 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 contentions that you were young, immature, and received no help with your alcoholism. The Board concluded that your misconduct, which resulted in seven NJPs and a SCM, outweighed your desire to upgrade your discharge and your contention that you were young and immature. As stated previously, you waived your procedural rights. In doing so, you gave up your first and best opportunity to advocate for retention or a more favorable characterization of service. The Board was also not persuaded by your contention that you received no help with your alcoholism. The record clearly shows that on 6 December 1978, you were disenrolled from substance abuse rehabilitation and returned to duty after been evaluated as non-cooperative. Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence 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,

[REDACTED]

Executive Director