



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

[REDACTED]
Docket No: 3848-16

MAY 13 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 1 February 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 27 January 1987. You served for nearly two years without disciplinary incident, but during the period of 19 January 1989 to 14 March 1991, you received nonjudicial punishment (NJP) on two occasions. Your offenses were disorderly conduct and wrongful use of cocaine.

Subsequently, you were notified of pending administrative separation by reason of misconduct due to drug abuse at which time you waived your procedural rights to consult with legal counsel and to present your case to an administrative discharge board (ADB). Your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to drug abuse. The discharge authority approved the recommendation and directed separation under other than honorable conditions by reason of misconduct and on 10 April 1991, you were so discharged.

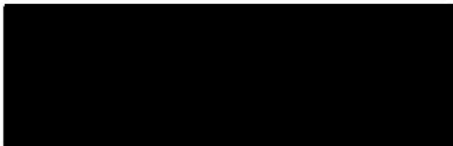
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice. The Board carefully weighed all potentially mitigating factors, such as your post service conduct, desire to maintain family tradition, and pride in your service and country. The Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your misconduct that resulted in two NJPs and wrongful drug use in light of the Navy's policy of


Docket No: 3848-16

“zero tolerance.” Further, you were given an opportunity to defend your actions during your discharge, but waived your procedural rights. 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. 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,


Executive Director