



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

[REDACTED]  
Docket No: 3859-16  
MAY 24 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 our application on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 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.

Regarding your request for a personal appearance, Board regulations state that personal appearances before the Board are not granted as a right, but only when the Board determines that such an appearance will serve some useful purpose. In your case, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

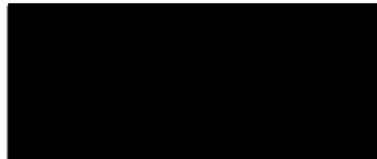
You enlisted in the Navy and began a period of active duty on 17 April 1991. You served for seven months without disciplinary incident, but on 8 November 1991, you received nonjudicial punishment (NJP) for unauthorized absence (UA) from your unit. You were admitted to the Navy Level III, alcohol rehabilitation program during the period from 15 July 1992 to 28 August 1992. At completion of the program the staff agreed that your prognosis was fair, you had received the maximum benefit from the program and recommended aftercare procedures. On 14 May 1993, you were convicted by special court-martial (SPCM) of failure to go to your appointed place of duty, UA from your unit and wrongful use of cocaine. The sentence imposed was confinement, a forfeiture of pay, and reduction in paygrade. Subsequently, you were notified of pending administrative separation processing with an other than honorable (OTH) discharge by reason of misconduct due to drug abuse. You elected to consult with legal counsel and subsequently requested an administrative discharge board (ADB). The ADB found that you had committed misconduct and recommended that you be discharged under honorable conditions by

reason of misconduct due to drug abuse. The separation authority directed a general discharge by reason of misconduct due to drug abuse. On 17 September 1993, 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, in its review of your entire record and application, carefully weighed all potentially mitigating factors, and your contention that your command did not properly manage your alcohol rehabilitation after care program. The Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your misconduct that resulted in an NJP, an SPCM and wrongful drug use in light of the Navy's policy of "zero tolerance." In regard to your contention the Board noted the record contain documented evidence which is contrary to your contention that you did not have an adequate aftercare program. It is the individual's responsibility to maintain a career free of further subsequent substance abuse. 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,



Executive Director