



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

[REDACTED]
Docket No: 3897-16

MAY 25 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 6 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 a personal appearance before the Board is not granted as a right, but only when the Board determines that such an appearance will serve some useful purpose. The Board determined that a personal appearance was not necessary and considered your case based on the evidence of the record.

You began a period of active duty in the Navy on 20 July 1999. You served without disciplinary incident for over one year. On 3 October 2000, you received nonjudicial punishment for wrongful use of marijuana, and were awarded reduction in rank, 60 days restriction, and forfeiture of \$502 pay per month for 2 months. On 11 October 2000, your commanding officer recommended that you be administrative separated on the basis of misconduct. You waived your right to appear before an administrative separation board and were discharged from the Navy on 26 October 2000, with an other than honorable characterization of service.

The Board considered your request for an upgrade to your other than honorable characterization of service. When making its determination, the Board noted your apology for your wrong doings and your request that the fifteen years since your discharge be taken into account. 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

determined that these factors were not sufficient to outweigh your misconduct of wrongful use of a controlled substance while in an active duty status. The Board reviewed the administrative separation proceedings and found them without error or injustice. 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