



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

Docket No: 4082-16

JUN 12 2017

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 15 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 28 June 1978. During the period from 27 November 1979 to 22 November 1980, you received four nonjudicial punishments (NJP) for the following offenses: disrespect, failure to go to your appointed place of duty, dereliction in performance of your duty and disobeying a lawful order on four occasions. On 22 May 1980, you were convicted by a summary court-martial (SCM) of an unauthorized absence totaling 25 days. On 24 June 1981, you were convicted by a special court-martial (SPCM) of wrongfully possessing, transferring and selling marijuana. Subsequently, you were notified of administrative separation, at which time you waived your right to consult with counsel and to present your case to an administrative discharge board (ADB). The Discharge Authority directed administrative discharge by reason of misconduct due to drug abuse with an OTH discharge and on 15 January 1982, 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 carefully weighed all potentially mitigating factors, such as your assertion that you have not had a criminal record since your discharge, you are a good citizen and you no longer use or sell any drugs. The Board concluded these factors were not sufficient to warrant relief in your

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case given the seriousness of your repeated misconduct, which included four NJPs, SCM and a SPCM. The Board noted that the record reflects that you were notified of and waived your procedural right to present your case to an 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 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