



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

[REDACTED]  
Docket No: 6599-16  
SEP 26 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 12 July 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, relevant portions of your husband's naval record and applicable statutes, regulations and policies.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

Your husband, [REDACTED] enlisted in the Navy and began a period of active duty on 24 February 1969. On 22 December 1970, while under investigation by the Naval Investigative Service for suspected use, possession and sale of narcotics and drugs, your husband made a signed sworn statement and stated in part that, he used marijuana, amphetamines, Benzedrine, and lysergic acid diethylamide (LSD). He further stated he sold to his friends, but never for a profit. Subsequently, he was notified of pending administrative separation processing with an other than honorable (OTH) discharge by reason of misconduct due to drug abuse. He elected to consult with legal counsel and subsequently requested an administrative discharge board (ADB). The ADB found that he had committed misconduct and recommended that your husband be

discharged under OTH conditions by reason of misconduct due to drug abuse. The separation authority concurred with the ADB and approved and directed an OTH discharge by reason of misconduct due to drug abuse. On 18 March 1971, he was 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 contention that your husband's suicide is service connected because he was not exposed to drugs until he joined the Navy. The Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your husband's misconduct that resulted in the wrongful possession, use and sale of drugs and marijuana. In regard to your contention, the Board was sympathetic to the untimely loss of your husband but concluded that the severity of his misconduct, demonstrated he was unfit for further service and was correctly assigned an other than honorable characterization at discharge. 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