



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

[REDACTED]  
Docket No: 6724-16

OCT 10 2017

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Dea [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 5 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 naval record and applicable statutes, regulations and policies.

You enlisted in the Navy and began a period of active duty on 9 May 1989. On 31 May 1990, you tested positive for wrongful use of methamphetamine, your record does not show what or if any disciplinary action was taken. On 7 June 1990 you were admitted to the Navy Hospital, Psychiatric ward and treated for alcoholic hallucinations. You were diagnosed as alcohol dependent and it was recommended that you attend Level III in-patient Alcohol Abuse Rehabilitation Treatment. Prior to being admitted into the Level III Rehabilitation Program you started a period of unauthorized absence (UA). You received nonjudicial punishment (NJP) on two occasions from 18 July 1990 to 21 November 1990. Your offenses were, UA from your unit for periods totaling 63 days and missing ship's movement.

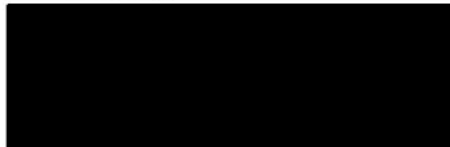
Subsequently, you were notified of pending administrative separation by reason of misconduct due to commission of a serious offense at which time you waived your procedural rights to consult with legal counsel and present your case to an administrative discharge board (ADB). Your commanding officer recommended discharge under other than honorable conditions by

reason of misconduct due to commission of a serious offense. The discharge authority approved this recommendation and directed separation under other than honorable conditions by reason of misconduct, and on 3 December 1990, 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 contention that you were told after one year your discharge would change to honorable. The Board found that these factors were not sufficient to warrant relief in your case because of the seriousness of your misconduct that resulted in two NJPs and periods of UA totaling over two months, alcohol abuse rehabilitation failure and wrongful drug use in light of the Navy's policy of "zero tolerance." The Board noted that you waived your right to an ADB, your best opportunity for retention or a better characterization of service. In regard to your contention, there is no provision of law or in Navy regulations that allows for recharacterization of service due solely to the passage of time. 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