



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

[REDACTED]
Docket No: 6896-16

NOV 16 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 5 September 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 on 10 September 1968. On 6 February 1969, you made a written statement admitting to marijuana and LSD use prior to and while serving in the Navy on several occasions. Subsequently, you were notified of pending administrative separation action by reason of fraudulent enlistment. After you waived your procedural rights, your Commanding Officer recommended an other than honorable discharge (OTH) by reason of fraudulent enlistment. The discharge authority approved this recommendation and directed an other than honorable discharge. On 9 April 1969, 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 desire to upgrade your discharge and contention that your immaturity lead to your OTH discharge. However, the Board found that these factors were not sufficient to warrant relief given your misconduct and fraudulent enlistment. In this regard, the Board concluded that the seriousness of your misconduct and fraudulent enlistment, outweighed your desire to upgrade your discharge. The Board also was not persuaded by the contention that your immaturity lead to your discharge. The Board noted that your record clearly reflected your willful misconduct and demonstrated

you were unfit for further service by concealing your drug use. Also, the evidence of record did not show that you were not responsible for your conduct or that you should not be held accountable for your actions. 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,

A large black rectangular redaction box covering the signature of the Executive Director.

Executive Director