



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

[REDACTED]
Docket No. 7264-16

NOV 03 2017

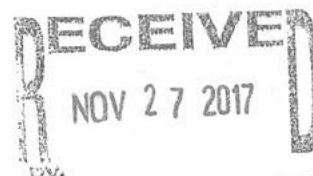
[REDACTED]
Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10, United States Code, section 1552.

Although your application was not filed in a time 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 30 August 2017. 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 27 June 1985. You served for nine months without disciplinary incident, but during the period from 14 April 1986 to 19 November 1986 you received nonjudicial punishment (NJP), were convicted by summary court-martial (SCM) on two occasions and in civilian court. Your offenses were unauthorized absence from your unit for periods totaling 16 days, failure to go to your appointed place of duty, wrongful use of marijuana and cocaine, and reckless driving. Subsequently, you were notified of pending administrative separation by reason of misconduct due to drug abuse. After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). The ADB found that you committed misconduct and recommended that you should be separated with a general characterization of service. The discharge authority concurred with the ADB and directed separation under honorable conditions by reason of misconduct, and on 2 July 1987, you were so 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, in its review of your entire record and application, carefully weighed all potentially



mitigating factors, such as your contention that your reason for discharge should be changed to hardship so you can receive therapy at the Department of Veterans Affairs (DAV). The Board found that these factors were not sufficient to warrant relief in your case given the seriousness of your misconduct that resulted in an NJP, two SCMs, and a civil conviction. 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