



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

[REDACTED]  
Docket No: 7365-16

NOV 06 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 6 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, relevant portions of your naval record and applicable statutes, regulations and policies.

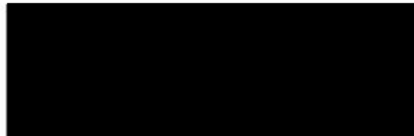
You enlisted in the Navy and began a period of active duty on 3 June 1980. On 12 January 1982, you were granted a pre-service drug abuse waiver for enlistment in a program leading to assignment in submarines. You served for about eight months without disciplinary incident, but during the period from 11 February 1982 to 10 December 1982, you received nonjudicial punishment (NJP) on three occasions. Your offenses were wrongful possession of marijuana and drug paraphernalia, failure to obey a lawful order, failure to go to your appointed place of duty and assault. Subsequently, you were notified of pending administrative separation by reason of misconduct due to frequent involvement at which time you waived your procedural rights to consult with legal counsel and to present your case to an administrative discharge board (ADB). Your commanding officer recommended discharge under other than honorable conditions (OTH) by reason of misconduct due to frequent involvement. The discharge authority approved your commanding officer's recommendation and directed separation under other than honorable conditions by reason of misconduct, and on 9 March 1983, 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, and your contention that you were advised that your characterization would automatically be upgraded to general. The Board concluded these factors were not sufficient to

warrant relief in your case because of the seriousness of your repeated misconduct that resulted in three NJPs. Further, you were given an opportunity to defend your actions, but waived your procedural rights. Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in your case. 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