



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

Docket No. 7392-16

DEC 14 2017

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 25 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.

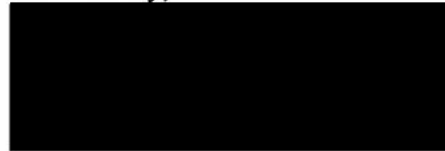
You enlisted in the Navy and began a period of active duty on 16 October 1981. On 14 December 1982, you received nonjudicial punishment (NJP) for possession of marijuana. The Board noted that on 6 April 1983, you signed acknowledgement of the Navy's zero tolerance policy with drug abuse. On 12 December 1983, you were convicted in civilian court for driving under the influence. On 30 January 1984, you once again received an NJP for unauthorized absence (UA), possession of marijuana paraphernalia, and wrongful use of marijuana. As a result of the foregoing, an administrative discharge board (ADB) was held. The ADB unanimously found that you committed misconduct due to drug abuse and recommended that you be discharged with an Other Than Honorable (OTH) characterization of service. Thereafter, the separation authority directed an OTH discharge due to misconduct of drug abuse. On 4 September 1984, you were discharged with an OTH characterization of service.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. The Board, in its review of your record, and application with supporting documentation, carefully weighed all potentially mitigating factors, such as your desire to upgrade your character of service and your contention that you desire an upgrade so that you can apply for Veteran Affairs benefits. However, upon review and consideration of all the evidence of record, the Board concludes that your request does not warrant relief. In this regard, the

Board concluded that the severity of your misconduct outweighed your rationale supporting an upgrade of your characterization of service and found that there was no error or injustice in your record. 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