



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

[REDACTED]
Docket No: 7465-16

NOV 07 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 13 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.

Prior to enlistment you were granted a waiver for pre-service marijuana use. You enlisted in the Navy and began a period of active duty on 8 June 1994. You served for a year and four months without disciplinary incident, but during the period from 15 October 1985 to 13 May 1986, you received nonjudicial punishment (NJP) on two occasions. Your offenses were dereliction in the performance of duties and wrongful use of marijuana. Subsequently, you were notified of pending administrative separation by reason of misconduct at which time you waived your procedural rights to present your case to an administrative discharge board (ADB). Your commanding officer recommended discharge under other than honorable conditions by reason of misconduct. The discharge authority approved your commanding officer's recommendation and directed separation under other than honorable conditions by reason of misconduct, and on 3 September 1986, 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 letter and your

contentions that you were having martial and family hardships at the time and your superiors refused to assist you and your spouse. The Board found that these factors were not sufficient to warrant relief in your case because of your misconduct that resulted in two NJP's and wrongful drug use in light of the Navy's policy of "zero tolerance." 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 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