



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

[REDACTED]  
Docket No: 7860-16  
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 20 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 28 August 1989. You served for a year and nearly four months without disciplinary incident, but during the period from 6 December 1990 to 13 February 1992, you received nonjudicial punishment (NJP) on two occasions. Your offenses were dereliction in the performance of duties, making a false official statement and wrongful use of LSD. Subsequently, you were notified of pending administrative separation by reason of misconduct due to drug abuse 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 by reason of misconduct due to drug abuse. The discharge authority approved the recommendation and directed separation under other than honorable conditions by reason of misconduct and, on 4 March 1992, 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 and your contention that you did not

smoke marijuana and when you ask for proof you were not shown proof; and that you were young and naïve and signed the documents they gave you to sign. The Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your misconduct that resulted in two NJPs and wrongful drug use in light of the Navy's policy of "zero tolerance." The Board further noted that you were found to be psychologically dependent on drugs by a medical officer on 11 February 1992 and that you did not elect to participate in treatment at a VA Hospital close to your home. The Board noted that you were given an opportunity to defend yourself 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