



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

[REDACTED]
Docket No: 7918-16
DEC 20 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 16 October 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 25 September 1991. You served 5 years, 11 months, and 2 days on active duty before beginning a second period of active duty in the Navy on 27 August 1997. On 23 March 1998, a fellow petty officer onboard the [REDACTED] smelled the strong odor of marijuana in the vicinity of the ship's chemical warfare room. The petty officer caught up with you as you were fleeing the area. On 13 April 1998, you received nonjudicial punishment (NJP) for wrongful use of marijuana. On 22 April 1998, Drug Lab San Diego confirmed that the urinalysis sample you provided tested positive for a controlled substance. You waived your right to appear before an administrative separation board and were discharged from the Navy on 1 May 1998, with an other than honorable characterization of service and received a reentry (RE) code of RE-4. Your narrative reason for separation shows "Misconduct due to drug abuse." Your DD Form 214 for which you received an other than honorable characterization identifies your period of active duty service as 27 August 1997 through 1 May 1998.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material or injustice. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors such your contention that your characterization of service was based on one isolated incident within your entire period of service. The Board noted that your other than

honorable characterization of service was assigned for the period of active duty from 27 August 1997 to 1 May 1998, and is not related to your prior period of active duty. The Board determined that the seriousness of your misconduct of drug abuse onboard the [REDACTED] on 23 March 1998 supported the issuance of the other than honorable characterization. The Board noted that you served nearly six years of prior active duty but concluded that these years of service did not outweigh the seriousness of your use of marijuana onboard the [REDACTED]. The Board concluded that your DD Form 214 properly reflects an other than honorable characterization of service and is without error or injustice because it pertains to the period of active duty from 27 August 1997 to 1 May 1998, and you wrongfully used marijuana during that time. 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