



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

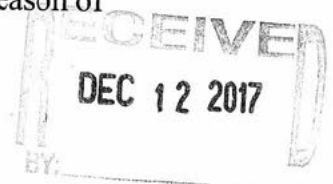
Docket No: 7924-16
NOV 2 0 2017

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 11 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 22 February 1982. You served for nearly 10 months without disciplinary incident, but during the period from 12 December 1982 to 6 November 1984, you received nonjudicial punishment (NJP) on four occasions. Your offenses were wrongfully attempting to impede an investigation, conspiracy, wrongful use of marijuana, failure to go to your appointed place of duty, unauthorized absence, and being incapacitated for the proper performance of duties. Subsequently, you were notified of pending administrative separation by reason of misconduct due to a pattern of misconduct at which time you waived your procedural rights to consult with legal counsel and to present your case to an administrative discharge board (ABD). Your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to a pattern of misconduct. The discharge authority approved this recommendation and offered you inpatient treatment at a Veterans Administration (VA) hospital prior to your discharge; you elected to accept the VA treatment. On 21 January 1985, you once again received NJP for wrongful use of marijuana. On 21 April 1985, you were discharged under other than honorable conditions by reason of misconduct.



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, such as your post service conduct and your declaration that you were young, foolish and addicted to alcohol and marijuana. The Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your misconduct that resulted in five NJPs and wrongful drug use in light of the Navy's policy of "zero tolerance." Further, the Board noted that you waived the right to an ADB, your best opportunity for retention or a better characterization of service. 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