



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

[REDACTED]  
Docket No: 7986-16  
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.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to its understanding of the issue(s) involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You enlisted in the Navy and began a period of active duty on 29 August 1996. You were assigned to the [REDACTED] in December 1996. On 28 February 1997, you began a period of unauthorized absence (UA) from the [REDACTED] that ended on 3 March 1997. Administrative separation proceedings were initiated against you. Your DD Form 214 indicates that you lost a total of 28 days of active duty service due to UA, and that you were separated on the basis of wrongful use of a controlled substance. You were discharged from the Navy on 4 November 1997, with an other than honorable characterization of service and received a reentry (RE) code of RE-4.

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 as your personal circumstances at the time of your UA and drug use. The

Board noted that the man who raised you was terminally ill and that you state you were advised by your chain of command that you could only be discharged if you failed a urinalysis. You used marijuana with the impression that you could return to the military. The Board determined that despite your circumstances and your belief you could reenlist, that the other than honorable discharge was properly issued based on the seriousness of your misconduct of wrongful use of a controlled substance. The Board noted that your administrative separation package was not reflected in your available service record. Nonetheless, the Board found that your DD Form 214 as well as the information in your application for correction provided sufficient evidence to apply the presumption of regularity and conclude that your other than honorable discharge and RE-4 were issued without error or injustice. 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