



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

[REDACTED]
Docket No: 8173-16
FEB 03 2017

[REDACTED]
Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 18 November 2016. 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, your naval record, and applicable statutes, regulations, and policies.

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.

You enlisted in the Navy and began a period of active duty on 20 July 1989. You served without disciplinary incident until 21 August 1990, when you were convicted by special court-martial (SPCM) of wrongful use of a controlled substance. As a result of the foregoing, administrative discharge action was initiated. After being afforded all of your procedural rights, you waived your right to consult with counsel, appear before an administrative discharge board, and to submit a statement. Shortly thereafter, the separation authority directed an Other Than Honorable conditions discharge by reason of misconduct due drug abuse. On 16 November 1990, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to upgrade your character of service and your assertion that you received an early release option as part of a Navy downsizing program. The Board concluded these factors were not sufficient to warrant relief in your case, given the seriousness of your misconduct and you submitted no evidence to support your assertion. Accordingly, your application has been denied.

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It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence within one year from the date of the Board's. New evidence is evidence not previously considered by the Board prior to making its decision your case. 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