



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

[REDACTED]
Docket No. 8389-16

DEL 19 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 November 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 17 March 1982. You served for five months and sixteen days without disciplinary incident, but during the period from 2 September 1982 until 6 May 1985, you received nonjudicial punishment (NJP) on two occasions, and special court-martial (SPCM) on two occasions. Your offenses were unauthorized absence (UA), conspiracy to transfer and possession of marijuana with intent to distribute and wrongful use of marijuana. Your second SPCM was held on 6 May 1985. You were convicted and sentenced to confinement, a forfeiture of pay, reduction of rank and a bad conduct discharge (BCD). On 27 July 1988, you received the BCD after appellate review was complete.


After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. The Board carefully weighed all potentially mitigating factors, such as your desire to upgrade your character of service and your contention that you were told that as a result of being an informant you would receive immunity and a General Under Honorable discharge. The Board did not find any evidence in the record to support your contention that you were offered immunity. 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 two SPCMs. The

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Board further concluded that you violated the Navy's policy of "zero tolerance" relating to illegal drugs. 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