



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

██████████
Docket No. 569-17

JUL 12 2017

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Dear ██████████

This is in reference to your application for correction of your naval record pursuant to the provisions of 10 U.S.C. §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 24 April 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, your naval record and applicable statutes, regulations and policies.

You began a period of active duty on 29 October 1982. You received nonjudicial punishment (NJP) on 1 September 1983 for wrongful use of marijuana. On 23 February 1984, you volunteered for random drug testing. Surveillance urinalysis testing was performed on 27 March 1984, 24 April 1984, 11 May 1984 and on 3, 11, and 17 July 1984 revealing positive results for marijuana by the Department of Defense laboratory. On 20 July 1984, you received a second NJP for wrongful use of marijuana. As a result of the foregoing, an administrative discharge board (ADB) was held. The ADB unanimously found that you committed misconduct due to drug abuse and recommended that you be discharged with an Other Than Honorable (OTH) characterization of service. Thereafter, the separation authority directed an OTH discharge due to misconduct due to drug abuse. On 5 September 1984, you were discharged with an OTH characterization of service.

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 the reasons for your misconduct. The Board concluded

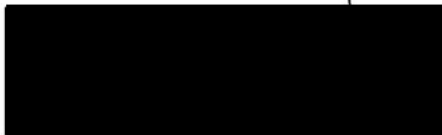

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these factors were not sufficient to warrant relief in your case, because no error or injustice was identified in its review of your records. Accordingly, your application has been denied.

The Board also noted that as a result of your prior honorable service you may be eligible for veterans' benefits. You should contact the nearest office of the Department of Veterans Affairs if you desire clarification about your eligibility for those benefits.

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