



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

[REDACTED]  
Docket No: 5387-17  
JAN 12 2018

[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 30 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 11 September 1996. On 17 July 2000, administrative discharge action was initiated and it was recommended that you receive an other than honorable (OTH) discharge by reason of misconduct due to drug abuse. After being afforded all of your procedural rights, it was directed that you receive an OTH discharge. You were discharged on 4 August 2000.

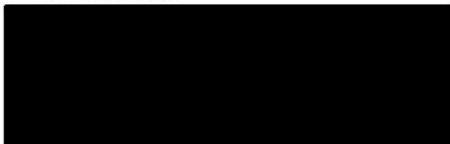
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice. The Board carefully weighed all potentially mitigating factors, such as your record of service, desire to upgrade your discharge, and post-service accomplishments. Additionally, the Board considered your Mental Health Specialist letter dated 23 May 2017, Case Manager [REDACTED] letter dated 23 May 2017, [REDACTED] Case Manager letter dated 26 May 2017, and you have diagnosed with major depression and schizophrenia. The Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your misconduct for wrongful drug use. 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. 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