



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

[REDACTED]  
Docket No: 5656-17

FEB 25 2019

[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. 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. Consequently, your application has been denied.

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 3 October 2018. 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 8 February 1988. On 22 June 1988 and 14 January 1990, you received non-judicial punishment (NJP) for disrespect in language, failure to obey a lawful order, wrongfully impersonating a commissioned officer and wrongful use of a controlled substance (marijuana). Subsequently, you were notified of pending administrative separation action by reason of misconduct due to commission of a serious offense and drug abuse, at which time you waived your procedural rights to consult with counsel and to present your case to an administrative discharge board (ADB). Your Commanding Officer recommended an other than honorable (OTH) characterization of service discharge. The discharge authority approved this recommendation and directed an OTH discharge by reason of misconduct due to drug abuse. On 26 March 1990, you were discharged.

The Board carefully weighed all potentially mitigating factors, such as your desire to upgrade your discharge and your assertion that while you were intoxicated you made a mistake and smoked from another person's marijuana cigarette. The Board concluded these factors were not sufficient to

warrant relief in your case because of the seriousness of your repeated misconduct which included wrongful drug use in light of the Navy's policy of zero tolerance. The Board noted the record shows you were notified of and waived your procedural rights in connection with your administrative separation. In doing so, you gave up your first and best opportunity to advocate for retention or a more favorable characterization of service. After a thorough review of the facts and circumstances unique to your case, the Board discerned no impropriety or inequity in the discharge action that would warrant a change in your characterization of service.

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