



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

Docket No: 6340-17

FEB 25 2019

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. 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 10 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.

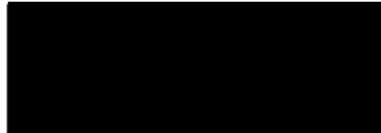
You enlisted in the Navy and began a period of active duty on 22 February 1980. On 3 September 1980 and 10 December 1980, you received non-judicial punishment (NJP) for an unauthorized absence, missing ship's movement, absence from your appointed place of duty, willful disobedience and wrongfully possessing a controlled substance (marijuana). On 24 June 1981, you were convicted by summary court martial (SCM) of an unauthorized absence totaling 85 days. On 5 May 1983, you were convicted by special court martial (SPCM) of two periods of unauthorized absence totaling 264 days. Subsequently, you were notified of pending administrative separation action by reason of misconduct due to commission of a serious offense, 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) discharge by reason of misconduct due to commission of a serious offense. The discharge authority approved this recommendation and directed an OTH discharge by reason of misconduct due to commission of a serious offense. On 9 June 1983, you were discharged.

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The Board carefully weighed all potentially mitigating factors, such as your desire to upgrade your discharge and contentions that you were forced to miss ship's movement because your mother was in the hospital dying of cancer, your brother died while you were in boot camp, and you were addicted to drugs and never received any advice / help by your chain of command. In this regard, the Board was sympathetic to the loss of your mother and brother however, noted that discharge was for more than just one occasion and/or drug use. Your record clearly reflects that you had repeated misconduct that resulted in two NJPs, SCM and SPCM conviction. Additionally, the Board noted the record reflects on 26 April 1983, you were medically screened and you denied all illicit drug use and experimentation since 1981. It was determined that you did not require medical treatment and/or rehabilitation for drug or alcohol abuse. The Board concluded that these factors were not sufficient to warrant relief because of the seriousness of your repeated misconduct and discerned no impropriety or inequity in your discharge.

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,

A large black rectangular redaction box covering the signature of the Executive Director.

Executive Director