



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

[REDACTED]
Docket No: 7895-17

MAY 03 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 was 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 7 January 2019. 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 reenlisted in the Navy on 17 February 1981, after a previous enlistment that began on 17 March 1978. Between 3 December 1981 and 5 November 1982, you received three non-judicial punishments (NJP) for unauthorized absence, dereliction of duty, and wrongful use of barbiturates. On 15 March 1985, you reenlisted again. On 28 August 1985, you received NJP for wrongful use of marijuana after you tested positive and admitted to being a "rare smoker" of marijuana. On 22 October 1985, your commanding officer (CO) submitted a substance abuse report after you tested positive for cocaine. Subsequently, he initiated administrative separation action by reason of misconduct due to drug abuse. After you requested an administrative discharge board (ADB) on 18 December 1985, you tested positive for amphetamines on 31 December 1985. Your case was heard by an ADB on 6 February 1986, and the ADB recommended that you be administratively separated with a general (under honorable conditions) characterization of service. Your CO concurred with the ADB and recommended that you be discharged with a general characterization of service by reason of misconduct due to drug abuse. On 11 April 1986, the separation authority concurred with your CO's recommendation and

directed that you be separated with a general characterization of service. You were discharged on 18 April 1986.

The Board carefully weighed all potentially mitigating factors, such as your desire to upgrade your discharge and change the reason to "convenience of the government," as well as your assertion that you have stayed out of trouble since you left the Navy. In addition, the Board considered your contention that your two previous enlistments were honorable, and that the entire body of evidence—prior service and post-discharge—warrants an upgrade of your discharge. The Board, however, concluded that these factors and assertions were not sufficient to warrant a change to your discharge, given your repeated, serious misconduct, which resulted in four NJPs. The Board noted that you received two DD Form 214s, reflecting that you served honorably during your previous enlistments. The Board also noted that there is no evidence in the record, and you submitted none, to support your contention regarding your post-service conduct.

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 matters. New matters are those not previously presented to or 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