



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

[REDACTED]
Docket No: 7954-17

APR 09 2019

[REDACTED]
Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to 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.

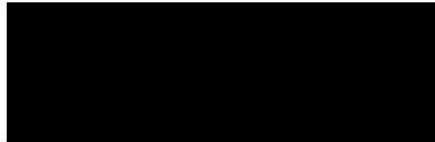
Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 27 December 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, as well as applicable statutes, regulations, and policies.

You enlisted in the Navy and began a period of service on 29 November 1977. You reenlisted and began your second period of active service on 25 February 1981. On 20 December 1982, you were counseled for indebtedness due to failure to pay just debts, and notified any further deficiencies may result in administrative separation. On 13 January 1986, you received an NJP, for wrongful use of cocaine and possession of a controlled substance (cocaine). After undergoing a command referred medical evaluation for drug abuse, you were determined not physiologically dependent to drugs or alcohol. On 27 February 1986, you were notified of the initiation of administrative separation proceedings, at which point, you elected counsel, and requested review of your case by an administrative discharge board (ADB). On 20 March 1986, an ADB was convened and voted that you committed misconduct, and should be separated from the naval service with an other than honorable (OTH) characterization of service for misconduct due to drug abuse. On 1 April 1986, your Commanding Officer recommended you for discharge for misconduct due to drug abuse. On 19 April 1986, the discharge authority approved your discharge and directed an other than honorable conditions characterization of service. On 16 May 1986, you were discharged.

The Board carefully weighed all potentially mitigating factors, such as your desire to upgrade your discharge and contentions you were young, and made one mistake that caused you to earn an OTH. You further state you were not given a fair opportunity to be represented properly, you have been sober for 25 years, you help in your community, and at schools. With regard your contention as to improper representation, the Board noted you elected your right to counsel, as well as review by an ADB, and were represented by a certified member of the Navy Judge Advocate General's Corps. With regard to the matter of a single mistake, the Navy's established zero tolerance policy for drug abuse applied to this case, and service may be characterized by a single act of such severity that it would mar a period of otherwise honorable service. The Board commends your ongoing work in your community, as well as your 25-year sobriety. Notwithstanding, the Board 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 solid black rectangular box used to redact the signature of the Executive Director.

Executive Director