



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

██████████  
Docket No: 6078-19  
Ref: Signature date

████████████████████  
████████████████  
████████████████████

Dear ██████████

This letter 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 for Correction of Naval Records (Board) found that 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, sitting in executive session, considered your application on 6 January 2020. 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 reserve duty on 31 August 1994. On 9 June 1996, the Navy Drug Laboratory reported your test sample positive for cocaine. Subsequently, administrative action was initiated to discharge you from the naval service due to drug abuse. On 6 August 1996, you waived your rights to counsel and to have your case reviewed by an administrative discharge board (ADB). On 3 September 1996, your commanding officer (CO) recommended that you be separated with an other than honorable (OTH) characterization of service. Processing was held in abeyance since you indicated you would submit a statement. On 2 November 1996, the Separation Authority approved your separation with an OTH discharge. You received an Under Other than Honorable Conditions (OTH) discharge on 23 October 2002. Your letter arrived on 12 November 1996 and you were separated on 12 December 1996.

The Board carefully weighed all potentially mitigating factors, such as your desire to upgrade your discharge, and assertions of the stress you were under at the time due to your marriage suffering from substance abuse and instability. The Board also considered that you felt shame about your discharge. However, the Board concluded that these factors and assertions were insufficient to warrant a change to your discharge given your misconduct. The Board also noted

that you waived your procedural rights in connection with your administrative separation. By doing so, you gave up your first, and best, opportunity to advocate for retention or a more favorable characterization of service.

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 the submission of new matters, which will require you to complete and submit a new DD Form 149. 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,

3/17/2020

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████████████████████

Executive Director

Signed by:

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