



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

█
Docket No: 11758-19
Ref: Signature Date



Dear █

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 for Correction of Naval Records (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 22 October 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, and applicable statutes, regulations, and policies.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issue(s) involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

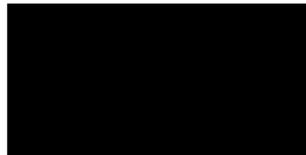
You enlisted in the Navy on 2 September 1980. On 1 November 1982, results of urinalysis tests revealed that you tested positive twice for marijuana. On 9 November 1983, you received non-judicial punishment (NJP) for dereliction in the performance of duty and violating a general regulation. Subsequently, you were notified of pending administrative separation action by reason of misconduct due to commission of a serious offence/drug abuse. You elected to consult with legal counsel and subsequently requested an administrative discharge board (ADB). The ADB found that you committed misconduct due to commission of a serious offence and recommended you receive an other than honorable (OTH) discharge due to commission of a serious offence. The discharge authority concurred with the ADB and directed an OTH discharge by reason of misconduct. On 12 June 1984, you were discharged.

The Board carefully weighed all potentially mitigating factors, such your desire to upgrade your discharge, contentions that your discharge was unjust because you were asked to break your honor and lie about being a witness to an incident and you had nothing to do with the incident. The Board noted that there is no evidence in your record, and you submitted none, to support your contentions. The Board also noted that you requested an ADB, and the ADB determined you committed misconduct and recommended you be discharged from the Navy. In this regard, the Board concluded that the seriousness of your misconduct outweighed your desire to upgrade your discharge.

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, 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,

12/10/2020

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Executive Director

Signed by:

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