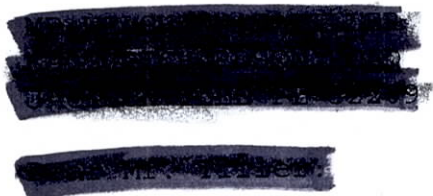




DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

TAL  
Docket No: 621-12  
16 October 2012



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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 October 2012. 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, your naval record, and applicable statutes, regulations, and policies.

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.

You enlisted in the Navy and began a period of active duty on 27 June 1995 at age 19. On 3 May 1996, you received nonjudicial punishment (NJP) for drunk and disorderly conduct and assault consummated by a battery. On 21 Jan 1997, you received NJP for wrongful use of marijuana. Based on the information currently contained in your record it appears that you were subsequently processed for an other than honorable (OTH) separation by reason of misconduct. In connection with this processing, you would have acknowledged the separation action and the separation authority would have approved a recommendation for separation. You waived your procedural right to an administrative discharge board (ABD). The record clearly shows that on 20 February 1997, you were discharged with an OTH discharge by reason of misconduct.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and medical issues. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct (drug abuse) as well as your prior misconduct that resulted in two NJPs. The Board noted that you waived the right to an ADB, your best chance for retention or a better characterization of service. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

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 and material evidence or other matter 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,



ROBERT D. ZSALMAN  
Acting Executive Director