



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

SJN
Docket No: 01427-13
15 January 2014

[REDACTED]

[REDACTED]

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 14 January 2014. 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.

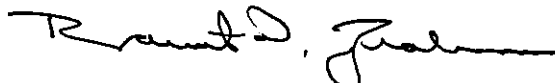
You enlisted in the Navy and began a period of active duty on 22 December 1988. The Board found that on 26 December 1988, you were briefed on the Navy's policy regarding drug and alcohol abuse. On 30 November 1989, you received nonjudicial punishment (NJP) for disobedience, 10 days of unauthorized absence, and wrongful use of amphetamine/methamphetamine and cocaine. You received a reduction in paygrade, a forfeiture of pay, extra duty, and restriction. Additionally, you were counseled and warned that further misconduct could result in administrative discharge action. On 7 May 1990, you received a second NJP for wrongful use of marijuana. You received a forfeiture of pay, restriction, and extra duty. On 26 June 1990, medical staff diagnosed you as being a drug abuser, and reported that you were not drug dependent. Subsequently, administrative discharge action was initiated by reason of misconduct due to wrongful drug use. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). On 27 September 1990, you signed an Administrative Remarks (NAVPERS 1070/613) form declining in-patient treatment at a Department of Veterans Affairs (DVA) hospital near you home

before being discharged. On 2 October 1990, your case was forwarded recommending that you be discharged under other than honorable (OTH) conditions by reason of misconduct. On 9 October 1990, the separation authority concurred and directed an OTH discharge by reason of misconduct due to drug abuse. You were so discharged on 17 October 1990.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your record of service and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your two NJP's for wrongful drug use, and the fact that you were briefed on the Navy's policy regarding drug and alcohol abuse. Finally, 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