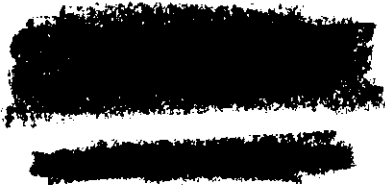




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

SJN
Docket No: 01471-13
15 January 2014



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 8 September 1986. The Board found that on 28 December 1986, you were counseled regarding the Navy's zero tolerance for drug abuse. On 11 February 1988, you were convicted by summary court-martial (SCM) of two specifications of unauthorized absence (UA) totaling 12 days and missing ship's movement. During the period from 25 August 1988 to 13 July 1989, you received three nonjudicial punishments (NJP's) for three instances of leaving your appointed place of duty, six periods of UA totaling 23 days, wrongful use of marijuana, three instances of failing to go to your appointed place of duty, and disobedience. Subsequently, administrative discharge action was initiated by reason of misconduct due to drug use. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). Your case was forwarded recommending that you be discharged under other than honorable (OTH) conditions by reason of misconduct. On 21 August 1989, the discharge authority concurred and directed an OTH discharge by reason of misconduct due to drug abuse. You were so discharged on 30 August 1989.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your SCM conviction, three NJP's, one of which was for wrongful drug use, and the fact that you were briefed on the Navy's zero tolerance policy regarding wrongful drug use. 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