



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

TAL
Docket No: 2730-13
7 February 2014

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10, 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 5 February 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 28 June 1972 at age 18. On 30 May 1973, you tested positive in a urinalysis for the wrongful use of amphetamines. You were admitted to the Navy Drug Rehabilitation Center (NDRC), Miramar, California. You were found to be physically and psychologically capable of handling the stress of the military and retained on active duty. On 19 October 1973, you received nonjudicial punishment for wrongful possession and use of marijuana and entering an area where narcotics were being used. You were notified of pending administrative discharge processing with an other than honorable (OTH) discharge due to misconduct (drug abuse). After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB).

On 23 October 1973, you waived your ADB to accept an under honorable conditions discharge. On 23 October 1973, you were discharged with a general characterization of service.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge. The Board also believed that you were fortunate to receive a general discharge since Sailors who are separated for misconduct normally receive OTH discharges. Finally, there is no provision of law or in Navy regulations that allows for recharacterization of service due solely to the passage of time. 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