



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

CRS
Docket No: 3462-13
5 May 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 section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 December 2013. 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 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you reenlisted in the Navy on 8 June 2001 after two years of prior active service. On 22 July 2005 you received nonjudicial punishment for an unauthorized absence and wrongful use of Ecstasy. The punishment consisted of a forfeiture of \$979.00 per month for two months and reduction in pay grade. On 16 September 2005 you received a discharge under other than honorable conditions by reason of misconduct due to drug abuse.

The Board found no merit in your request to remove the nonjudicial punishment of 22 July 2005 which you contend was imposed even though you were innocent. It concluded that your commanding officer acted reasonably in your case, that he was in

the best position to resolve the factual issues and to impose appropriate punishment. There is no credible evidence that you did not commit the charged offenses. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board did not consider whether your characterization of service should be changed, since you have not exhausted your administrative remedies by applying to the Naval Discharge Review Board (NDRB). You may do so by submitting the attached DD Form 293 to the NDRB.

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

Enclosure