



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

TJR
Docket No: 3565-13
21 March 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 18 March 2014. The names and votes of the members of the panel will be furnished upon request. 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 25 April 1985. You served for two years and six months without disciplinary incident, but on 19 October and again on 4 December 1987, you received nonjudicial punishment (NJP) for three periods of absence from your appointed place of duty.

On 19 May 1988 you received your third NJP for a three day period of unauthorized absence (UA) and absence from your appointed place of duty. Shortly thereafter, on 14 July 1988, you were convicted by special court-martial (SPCM) of a one day period of UA, absence from your appointed place of duty, and two specifications of wrongful use of cocaine. You were sentenced to confinement for four months and a punitive letter of reprimand.

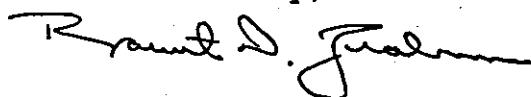
Subsequently, you were administratively processed for separation by reason of misconduct due to drug abuse and a pattern of misconduct. After consulting with legal counsel you elected to present your case to an administrative discharge board (ADB). On 29 November 1988 an ADB recommended separation under other than honorable conditions by reason of misconduct due to drug abuse

and a pattern of misconduct. On 20 December 1988 your commanding officer concurred with the ADB and recommended separation under other than honorable conditions by reason of misconduct due to drug abuse. On 25 January 1989 the discharge authority approved these recommendations and on 22 February 1989 you were so discharged.

The Board, in its review of your record and application, carefully weighed all potentially mitigating factors, such as your post service conduct and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your repetitive misconduct which resulted in three NJPs, an SPCM, and included drug abuse. Accordingly, your application has been denied.

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