



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

SJN
Docket No: 03634-13
24 April 2014

[REDACTED]

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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 22 April 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.

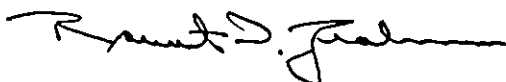
You enlisted in the Navy and began a period of active duty on 20 July 1989. The Board found that on 21 July 1989, you were briefed on the Navy's policy regarding drug and alcohol abuse. On 27 December 1989, you received nonjudicial punishment (NJP) for underage drinking. On 7 September 1990, you were convicted by civil authorities of breaking and entering a high school. You were sentenced to 12 months in jail, which was suspended for three years. On 20 October 1990, you were counseled and warned that further misconduct could result in administrative discharge action. On 18 March 1991, you received a second NJP for wrongful use of lysergic acid diethylamide (LSD). You received a forfeiture of pay, restriction, extra duty, and a reduction in paygrade. Subsequently, administrative discharge action was initiated by reason of misconduct due to drug abuse. You waived your rights to consult counsel, submit a statement or have your

case heard by an administrative discharge board (ADB). On 30 March 1991, a medical evaluation found that you were not drug dependent, but psychologically dependent on alcohol. Your case was forwarded recommending that you be discharged under other than honorable (OTH) conditions by reason of misconduct. Your commanding officer stated, in part, that your decision to use illegal drugs could not be tolerated, and that you were well aware of the Navy's policy regarding the wrongful use of drugs. On 25 April 1991, the separation authority concurred and directed an OTH discharge by reason of misconduct due to wrongful drug use. You were so discharged on 28 April 1991.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, record of service and post service medical issues. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the fact that you were briefed on the Navy's policy regarding drug and alcohol abuse, the consequences of further misconduct, your two NJP's, one of which was for wrongful use of LSD, and civil conviction of a serious offense. 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