



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

SJN

Docket No: 04052-13

14 May 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 7 May 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.

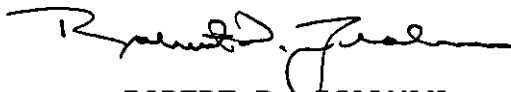
You enlisted in the Navy and began a period of active duty on 14 June 1994. The Board found that on 18 May 1995, you received nonjudicial punishment (NJP) for disobedience, sodomy, and indecent acts. On 9 January 1997, you received a second NJP for wrongful possession of marijuana. Subsequently, administrative discharge action was initiated by reason of misconduct due to wrongful drug possession. You elected to consult counsel and have your case heard before an administrative discharge board (ADB). On 14 February 1997, the ADB recommended that you be separated with an other than honorable (OTH) discharge by reason of misconduct due to wrongful drug possession. On 27 February 1997, your commanding officer concurred with the ADB's findings and forwarded his recommendation that you be discharged. He stated, in part, that you were given an opportunity to redeem yourself after your first NJP, but made poor use of a second chance by bringing marijuana on board a military installation.

On 28 March 1997, the separation authority directed an OTH discharge by reason of misconduct due to drug abuse. On 15 April 1997 you were so discharged.

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 the removal of your two NJP's for serious offenses, one of which was for wrongful possession of marijuana on board a military installation. 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