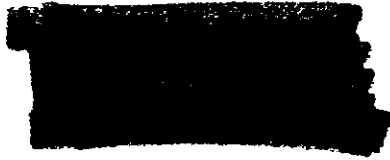




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

BJG
Docket No: 4358-13
3 April 2014



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 1 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

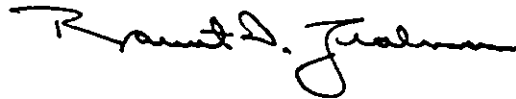
You reenlisted in the Navy on 16 July 1992 after more than 12 years of prior honorable service. You received nonjudicial punishment (NJP) for destruction of government property, assault, and public intoxication. You also tested positive for the wrongful use of marijuana while serving as a first class petty officer for which no disciplinary action was taken. You were then notified that your commanding officer was recommending you for administrative separation due to misconduct (drug abuse). You exercised your procedural right to have your case

heard by an administrative discharge board (ADB). The ADB met, found that you had committed misconduct (drug abuse), and recommended that you be discharged with an other than honorable (OTH) characterization of service. On 3 March 1995, you were discharged with an OTH characterization of service due to misconduct (drug abuse), and assigned an RE-4 (not recommended for retention) reentry code.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your youth, prior honorable service, and current desire to upgrade your discharge. However, the Board concluded that your discharge should not be upgraded due to your drug abuse while serving as a first class petty officer. You are advised that no discharge is upgraded due merely to the passage of time or post service good conduct. In view of the above, 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