



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

BC
Docket No: 08798-13
25 September 2014

[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 Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 24 September 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.

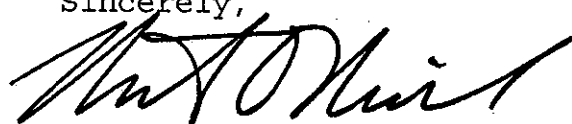
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 27 August 2007, at age 24. While completing your in-processing paperwork you signed and acknowledged the Navy drug and alcohol policy. On 6 April 2009, you received nonjudicial punishment (NJP) for wrongful possession and use of marijuana. On 28 April 2009, administrative separation action was initiated by reason of misconduct (drug abuse). After being advised of your procedural rights, you waived your right to have your case heard by an administrative discharge board (ADB). Your commanding officer forwarded his recommendation that you be discharged under other than honorable conditions (UOTHC). On 27 May 2009, the discharge authority approved the recommendation and directed a discharge UOTHC. You were so discharged on 9 June 2009, and assigned an RE-4 (not recommended for reenlistment) reentry code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors present in your case. It found those factors insufficient to warrant upgrading your characterization of service, given your misconduct (drug abuse). In addition, the Board noted that you waived your right to an ADB, your best opportunity for retention and a more favorable 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 within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in your case. 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,

A handwritten signature in black ink, appearing to read "R. J. O'Neill", written in a cursive style.

ROBERT J. O'NEILL
Executive Director