



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

REC
Docket No: 09118-13
9 June 2014

[REDACTED]

[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 4 June 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 7 February 2002, at age 19. On 14 March 2003, you provided a statement concerning your wrongful use of marijuana and disclosed that you used it occasionally while on active duty. On 4 April 2003, you received nonjudicial punishment (NJP) for failure to go to your appointed place of duty, two incidents of being in an unauthorized absence (UA) status totaling 28 days, willful disobedience of a superior commissioned officer and wrongful use of marijuana. On 4 April 2003, administrative separation action was initiated by reason of misconduct. After being advised of your due process rights, you waived your right to have your case heard by an administrative discharge board (ADB). On 7 April 2003, your commanding officer forwarded his recommendation that you be discharged under other than honorable conditions (UOTHC) by reason of misconduct. On 8 April 2003, the discharge authority

directed a discharge UOTHC by reason of misconduct. You were so discharged on 14 April 2003, and assigned a RE-4 (ineligible for reenlistment) reentry code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. The Board found those factors insufficient to warrant changing your reentry code, given your record of one NJP for multiple offenses and drug abuse. In addition, the Board noted that you waived your right to an ADB, your best opportunity 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.

The Board did not consider whether your character of service and narrative reason for discharge should be changed due to the fact that your discharge is less than 15 years old, so you must first apply to the Naval Discharge Review Board (NDRB). Enclosed is a DD Form 293 you may use to apply to the NDRB.

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

Enclosure