



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

SJN
Docket No: 2777-14
15 December 2014

[REDACTED]

Dear [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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 November 2014. The names and votes of the members of the panel will be furnished upon request. 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 26 August 1982. On 27 August 1982, you were briefed on the Navy's policy regarding drug and alcohol abuse. On 3 June and 26 July 1983, you received nonjudicial punishments (NJP) for wrongful use of marijuana and unauthorized absence. Subsequently, administrative discharge action was initiated by reason of misconduct due to drug abuse. Although your record is incomplete, it appears that after being afforded all of your procedural rights, your case was forwarded to the separation authority for review, and you were discharged on 24 August 1983. At that time, you were assigned an RE-4 (not recommended for reenlistment) reentry code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your record of service, desire to upgrade your discharge, change your reenlistment code and reason for your discharge, and post service medical issues. Additionally, your assertion that medical personnel failed to diagnose and treat you for post-traumatic stress disorder (PTSD) during and after your service. Nevertheless, based on the information currently contained in your record, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge, changing your reenlistment code or the reason for your discharge given your two NJP's, and the fact that you were briefed on the Navy's policy regarding drug and alcohol abuse. In this regard, an RE-4 reenlistment code is required when a Sailor is discharge due to misconduct, and is not recommended for retention. Regarding your assertion that you were suffering from PTSD when your misconduct occurred, the Board noted that the severity of your misconduct outweighed the mitigations of your post service diagnosed PTSD. Finally, there is no evidence in the record, and you provided none to support your assertion. Accordingly, your application has been denied.

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 "Robert J. O'Neill", written in a cursive style.

ROBERT J. O'NEILL
Executive Director