



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

SJN
Docket No: 3612-14
7 April 2015



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 31 March 2015. 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 18 May 1988. On 20 May 1988, you were brief on the Navy policy regarding drug and alcohol abuse. On 3 March 1989, you received nonjudicial punishment (NJP) for 27 days of unauthorized absence, dereliction of duty, and wrongful use of marijuana. You elected to consult with legal counsel and subsequently requested an administrative discharge board (ADB). On 20 April 1989 the ADB found that you had committed misconduct, and recommended you receive an other than honorable (OTH) discharge. The separation authority concurred and directed an OTH discharge by reason of misconduct. You were so discharged on 7 July 1989.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your record of service and desire to change your discharge. Nevertheless, based on the information currently contained in your record, the Board concluded these factors were not sufficient to warrant changing your characterization of service given your NJP for wrongful drug use. 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 dark ink, appearing to read "R. J. O'Neill", written in a cursive style.

ROBERT J. O'NEILL
Executive Director