



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

MTN  
Docket No: 7230-14  
28 July 2015

5 U.S.C 552(b) (6)

Dear 5 U.S.C 552(b) (6)

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 25 June 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 15 February 1977. You reenlisted on 7 March 1983, serving over six years of satisfactory service. On 9 November 1977, you received a nonjudicial punishment (NJP) for two occasions of unauthorized absence. On 27 January 1987, during a command directed urinalysis, your urine sample tested positive for cocaine. Subsequently, your commanding officer initiated administrative discharge action by reason of misconduct due to drug abuse. You elected to consult with legal counsel and appear before an administrative discharge board (ADB). The ADB found that

although you had committed misconduct due to drug abuse, you were recommended for retention. The commanding officer disagreed with the ADB's recommendation and subsequently recommended discharge under other than honorable conditions by reason of misconduct due to drug abuse. On 26 March 1987, the separation authority approved your discharge and you were so discharged under honorable conditions on 9 April 1987.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to change your narrative reason for separation. Nevertheless, the Board concluded this factor was not sufficient to warrant recharacterization given your drug related misconduct. The Board concluded the severity of your drug related misconduct outweighed your desire to change your narrative reason for separation. 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,

5 U.S.C 552(b) (6)

ROBERT J. O'NEILL  
Executive Director