



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TJR  
Docket No: 5765-09  
24 May 2010

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 18 May 2010. 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 on 19 October 1989 at age 18 and began a period of active duty on 7 November 1989. You served without disciplinary incident until 9 October 1990, when you received nonjudicial punishment (NJP) for wrongful appropriation of a security pouch, the personal property of another Sailor.

On 25 March 1991 you were apprehended and confined by civil authorities on a charge of third degree burglary. On 24 April 1991 you were released on a \$10,000 bail and returned to military custody. Subsequently, you received NJP for a 30 day period of unauthorized absence (UA), wrongful possession of alcoholic beverages, and fraudulently using another Sailor's telephone card in the amount of \$131.87. During the period from December 1991 to February 1992 you received NJP on three more occasions for wrongful use of marijuana, two period of absence from your appointed place of duty, dereliction of duty, and wrongful use of cocaine.

Subsequently, you were processed for an administrative separation by reason of misconduct due to drug abuse. After waiving your procedural rights, the discharge authority directed your commanding officer to issue you an other than honorable discharge by reason of misconduct due to drug abuse, and on 3 March 1992, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your discharge and change your narrative reason for separation. It also considered your assertion that you had a substance abuse problem prior to enlisting in the military. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge or a change of your narrative reason for separation because of the seriousness of your drug and alcohol related misconduct in both the military and civilian communities, and lengthy period of UA which resulted in five NJPs. Further, you were given an opportunity to defend yourself, but waived your procedural right to present your case to an administrative discharge board. Finally, there is no evidence in the record, and you submitted 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 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,

W. DEAN PFEIFFER  
Executive Director