



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

SJN
Docket No: 5026-06
24 November 2006

[REDACTED]

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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 21 November 2006. 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 17 October 1984 at age 20. You then served without incident for over two years until 7 January 1987, when you received nonjudicial punishment (NJP) for two instances of wrongful use of marijuana and use of cocaine. You received a reduction in paygrade, a forfeiture of pay, restriction and extra duties.

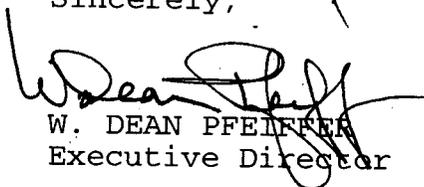
On 11 February 1987, administrative discharge action was initiated to separate you by reason of misconduct due to drug abuse. You then waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB).

On 18 February 1987, your commanding officer forwarded his recommendation that you be discharged under other than honorable conditions by reason of misconduct due to drug abuse. On 10 March 1987 the discharge authority directed an other than honorable discharge by reason of misconduct due to drug abuse. On 18 March 1987 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, time in service, and the character reference letters accompanying your application. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your multiple instances of drug use. Further, you waived the right to an ADB, your best chance 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.

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