



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

TJR
Docket No: 7030-06
6 April 2007

[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 3 April 2007. 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 14 December 1987 at age 19. You served for two years without disciplinary incident, but on 19 January 1990 you received nonjudicial punishment (NJP) for wrongful use of cocaine. The punishment imposed was extra duty and restriction for 45 days, reduction to paygrade E-2, and a \$890 forfeiture of pay.

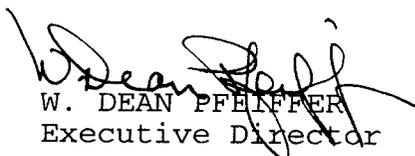
On 5 February 1990 you were notified of pending administrative separation action by reason of misconduct due to drug abuse. At that time you waived your right to consult with legal counsel and to present your case to an administrative discharge board (ADB). On 8 March 1990 your commanding officer recommended an other than honorable discharge by reason of misconduct. On 13 March 1990 the discharge authority approved this recommendation and directed an other than honorable discharge, and on 20 March 1990 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, period of good service, post service conduct, and assertion that your discharge was the result of the worst error of your life and has held you back long enough. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge or a change of the narrative reason for separation because of the seriousness of your drug related misconduct. Further, the Board noted that you were given an opportunity to defend yourself, but waived your procedural right to present your case to an ADB. 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 PFENFFER
Executive Director