



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

TRG
Docket No: 7218-06
22 January 2008

[REDACTED]

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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 January 2008. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 8 February 1993 at age 21. On 12 January 1994 you received nonjudicial punishment (NJP) for driving while intoxicated. A service record entry dated 2 March 1995 states that you were caught by an agent of the Naval Criminal Investigative Service purchasing one hit of Lysergic Acid Diethylamide (LSD) in an undercover operation. It further states that after being advised of your rights you admitted to purchasing one hit of LSD. On 14 April 1995 you received NJP for wrongful possession of a controlled substance (the LSD).

Based on the foregoing record, you were processed for an administrative discharge by reason of misconduct due to drug abuse. In connection with this processing, you elected to waive the right to have your case heard by an administrative discharge board (ADB). After review, the discharge authority directed discharge under other than honorable conditions and you were so discharged on 26 May 1995.

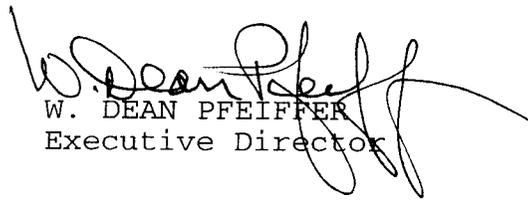
In its review of your application the Board carefully weighed all potentially mitigating factors, such as your desire for benefits and further service and your contention that you were not given an opportunity to prove your innocence. The Board found that these factors and contentions were not sufficient to warrant

recharacterization of your discharge given your documented purchase of LSD. The Board noted that you elected to waive the right to have your case heard by an ADB which was your last and best opportunity to make a case for retention in the Navy. The Board concluded that the discharge was proper as issued and no change is warranted.

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