



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

CRS  
Docket No: 1143-07  
12 May 2008

[REDACTED]

[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 16 April 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.

The Board found that you enlisted in the Navy on 30 September 1997. On 28 October 1998 you received nonjudicial punishment (NJP) for underage drinking and making a false official statement. On 29 August 2002 you received NJP for wrongful use of Ecstasy, an illegal drug, between 16 July and 16 August 2002. The punishment consisted of forfeiture of one-half pay per month for two months, restriction and extra duty for 45 days, and reduction in rank.

On 30 September 2002 an administrative discharge board (ADB) recommended that you be separated with a discharge under other than honorable conditions by reason of misconduct due to drug abuse. After review by the discharge authority, the recommendation for separation was approved and on 6 December 2002 you received a discharge under other than honorable conditions.

The Board did not accept your uncorroborated contention to the effect that you did not use illegal drugs. The Board concluded that your commanding officer was in the best position to resolve the factual issues in your case, and that he acted reasonably when he determined that you had used Ecstasy, as did the members of your 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,



ROBERT D. ZSALMAN  
Acting Executive Director