



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

TRG  
Docket No: 2092-07  
30 April 2008



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 29 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.

You enlisted in the Navy Reserve on 18 February 1983 and reported for three years of active duty on 14 September 1983. On 29 September 1985 you were honorably discharged for the purpose of reenlistment in the Navy.

You reenlisted in the Navy on 30 September 1985. Subsequently, you served in an excellent manner for about 15 months. On 16 January 1987 you received nonjudicial punishment (NJP) for assault consummated by a battery. On 5 April 1988 you received another NJP for use of cocaine.

Subsequently, you were notified of separation processing by reason of misconduct due to drug abuse. At that time, you elected to waive the right to have your case heard by an administrative discharge board. After review, the discharge authority directed discharge under other than honorable conditions and you were so discharged on 26 May 1988.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your prior honorable service and your contention that the discharge may have been racially motivated. Navy regulations require separation processing of individuals who have abused drugs and you have been

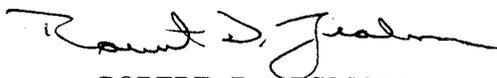
treated no differently than others in that situation. Additionally there is no evidence in the record to show that your discharge was influenced by racial factors nor have you provided any such evidence. The Board found that these factors and contention were not sufficient to warrant recharacterization of your discharge given your use of cocaine. 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.

You may be eligible for veterans' benefits based on your prior honorable service. Therefore, if you have been denied benefits, you should appeal that denial under procedures established by the Department of Veterans Affairs

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