



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

SJN  
Docket No: 03554-07  
18 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 16 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 22 May 1987 at age 30. On 18 April 1988, you received nonjudicial punishment (NJP) for two instances of absence from your appointed place of duty. On 7 May 1988, you began a period of unauthorized absence (UA) that lasted until 27 May 1989. During this period you were arrested and convicted by civil authorities of two counts of possession of cocaine and one count of possession and sale of cocaine. You were sentenced to 12 months in jail.

On 30 May 1989, administrative discharge action was initiated by reason of misconduct due to commission of a serious offence. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). Your commanding officer forwarded his recommendation that you be discharged under other than honorable conditions by reason of misconduct. On 23 June 1989, the discharge authority directed an

other than honorable discharge by reason of misconduct. However, on 30 June 1989 you began another period of UA. Your commanding officer requested and was granted the authority to discharge you in absentia. You were so discharged on 15 July 1989.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, overall record of service and contentions of command intimidation and use of scare tactics. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your NJP, a very lengthy period of UA in which you were convicted by civil authorities for drug possession and sale, and the fact that you began another period of UA after your discharge had been directed. Further, you waived the right to an ADB, your best chance for retention or a better characterization of service. With regard to your contentions, the Board noted that there is no evidence in your record, and you submitted none, to support them. 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