



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

TJR
Docket No: 6379-07
17 April 2008

[REDACTED]

[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 15 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 1 June 1988 at age 19 and served for more than two years without disciplinary incident, but on 30 October 1990 you were convicted by special court-martial (SPCM) of wrongful possession and use of a controlled substance, failure to obey a lawful order, and an eight day period of unauthorized absence (UA). You were sentenced to confinement for four months, a \$1,600 forfeiture of pay, reduction to paygrade E-1, and a bad conduct discharge (BCD). After the BCD was approved at all levels of review, on 30 March 1992 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 and post service conduct. It also considered your assertions that your discharge was inequitable and your career could have been salvaged with proper legal representation. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge

because of the seriousness of your drug related misconduct. Further, your record contains documented evidence that is contrary to your assertions. 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