



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

SMW  
Docket No: 7802-07  
15 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 14 May 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.

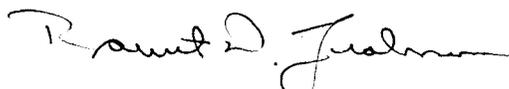
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

On 25 April 1986, you enlisted in the Navy at age 20. On 9 March 1987, you had nonjudicial punishment (NJP) for driving while intoxicated. You were subsequently diagnosed as being alcohol dependent and received treatment. On 13 October 1988, your urinalysis tested positive for amphetamines. On 18 October 1988, your commanding officer initiated administrative separation by reason of misconduct due to drug abuse. In connection with this processing, you acknowledged that separation could result in an other than honorable (OTH) discharge and waived the right to have your case heard by an administrative discharge board (ADB). On 19 October 1988, you had NJP for wrongful use of a controlled substance. On 29 October 1988, the separation authority approved the separation recommendation and directed an OTH discharge by reason of misconduct due to drug abuse. On 10 November 1988, you were so discharged and assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth. The Board also considered your contentions that your average overall trait and military behavior marks precluded you from receiving an RE-4 reenlistment code and you were not offered a second urinalysis. Nevertheless, the Board concluded that these factors were not sufficient to warrant changing the RE-4 reenlistment code or recharacterization of your discharge due to the seriousness of your misconduct. Regarding your contentions, according to regulations, overall trait and military behavior mark averages are not utilized to determine characterization of service for members who are discharged due to misconduct. Furthermore, regulations do not require a second urinalysis to discharge a member by reason of misconduct due to drug abuse. Finally, the Board noted that you waived the right to have your case heard by an ADB, your best opportunity for retention or a more favorable characterization of service. Therefore, 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,



ROBERT D. ZSALMAN  
Acting Executive Director