



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

RDZ:ecb
Docket No. 08341-07
6 June 2008

[REDACTED]

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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 3 June 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 on 8 October 1998 at age 19 and reported for 48 months of active duty on 15 December 1998 at which time you acknowledged the Navy's zero tolerance drug policy. Unfortunately on 10 February 2000 you received nonjudicial punishment (NJP) for wrongful use of marijuana. As a result you were informed that you would be processed for discharge with an other honorable (OTH) discharge. At that time you waived your right to appear before an administrative discharge board and be represented by a military lawyer where you could have argued to be retained or in the alternative receive a better discharge. In your commanding officer's letter

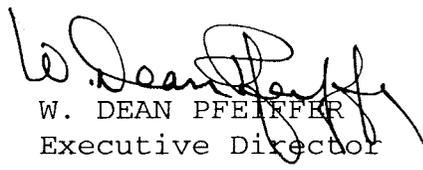
discharge authority he pointed out that you admitted to using drugs before entering the Navy and that because of your admission the Air Force had refused to enlist you. However the Navy granted you a drug waiver based on your claims that you had matured and renounced drug usage. On 6 March 2000 the discharge authority directed that you receive an OTH discharge and you were so separated on 9 March 2000.

In its review of your application the Board considered all potential matters in extenuation and mitigation such as your youth and the fact that you had only one offense in over 14 months of active duty. Nevertheless the Board concluded that these matters could not overcome seriousness of your offense which occurred after that you were granted a drug waiver and clearly informed of the Navy's zero tolerance drug policy.

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