



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

TJR  
Docket No: 9112-07  
6 November 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 5 November 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 reenlisted in the Navy on 31 October 1988 after nearly four years of prior honorable service. You continued to serve without disciplinary incident until 18 June 1990, when you received nonjudicial punishment (NJP) for disrespect and failure to obey a lawful order.

On 8 April 1993 you received NJP for wrongful use of amphetamine and methamphetamine. The punishment imposed was a \$1,260 forfeiture of pay, restriction and extra duty for 45 days, and reduction to paygrade E-3. On 16 April 1993 you were notified of pending administrative separation action by reason of misconduct due to drug abuse. At that time you waived your right to consult with legal counsel and to present your case to an administrative discharge board (ADB). On 29 April 1993 your commanding officer recommended an other than honorable discharge by reason of misconduct due to drug abuse. On 24 May 1993 the discharge authority approved this recommendation, and on 1 June 1993, 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 potentially mitigating factors, such as the passage of time, your prior honorable service, and your desire to upgrade your discharge and change your reenlistment code so that you may reenlist. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge or a change to your reenlistment code because of your drug related misconduct. Further, you were given an opportunity to defend yourself, but waived your procedural rights to present your case to an ADB. Finally, an RE-4 reenlistment code is authorized by regulatory guidance and must be assigned to Sailors who are discharged by reason of misconduct. 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