



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

RDZ:ecb
Docket No. 09139-07
21 April 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 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 11 January 1994 at age 18. Your first disciplinary action was a non-judicial punishment (NJP) on 1 May 1997 for using disrespectful language to a superior and dereliction of duty. A little over three months later you received a second NJP for using marijuana. Subsequently a medical officer found that you were dependent on marijuana and recommended that you be separated. When you were notified that the Navy intended to recommend for discharge under other than honorable conditions (OTH) you waived your right to appear before an administrative discharge board where you could request

retention or a better discharge. As a result you received an OTH discharge on 13 November 1997.

In view of the serious nature of your last offense, namely drug abuse, as well as your prior offense and waiver to a hearing before an ADB the Board concluded that you were properly issued an OTH discharge and there is no basis in law or equity to change it now.

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