



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

CRS
Docket No: 10289-07
21 November 2008

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

The Board found that you enlisted in the Navy on 28 January 1987. On 4 March 1988 you received nonjudicial punishment for wrongful use of cocaine. The punishment consisted of the forfeiture of \$183 pay, and reduction in rank. On 2 November 1989 you were honorably discharged by reason of physical disability with severance pay.

The Board carefully evaluated all potentially mitigating factors in your case, such as your overall service and good post service conduct, as well as your unsubstantiated contention to the effect that you were under duress when you admitted using cocaine, but found those matters insufficient to warrant granting your request. The Board concluded that your use of cocaine is adequately and properly documented in your service and health records, and there is no basis for the removal of such documentation from those records. It noted that you did not rebut any of the adverse entries concerning your drug abuse or contest the revocation of your security clearance because of that abuse, despite being given the several opportunities to do so while you were on active duty. In addition, a health record entry dated 18 October 1988, which was prepared by a flight surgeon, indicates that you admitted that you had used cocaine on

one occasion during your enlistment.

In view of the foregoing, 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