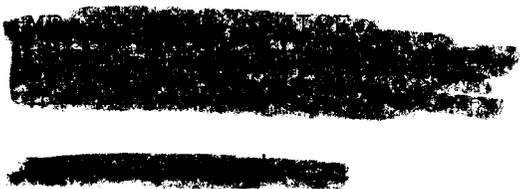




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

SMW
Docket No: 10761-07
31 July 2008



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 30 July 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 11 January 1990, you reenlisted in the Navy at age 33 after two prior periods of honorable service. You subsequently began receiving medical treatment for your shoulder, elbow, and back. On 7 November 1991, you extended your two year enlistment for nine months. On 18 June 1992, you had nonjudicial punishment for use of marijuana and methamphetamines.

On 18 June 1992, 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 elected to have your case heard by an administrative discharge board (ADB). On 30 July 1992, the ADB convened and found that you were guilty of misconduct due to drug abuse and recommended an OTH discharge. On 28 September 1992, the separation authority approved the

discharge recommendation and directed an OTH discharge by reason of misconduct due to drug abuse. On 9 October 1992, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your prior periods of honorable service. The Board also considered your explanation of having personal problems and contention that you self medicated with an illegal drug to relieve pain. Nevertheless, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to the seriousness of your misconduct. Regarding your contention, use of illegal drugs in the Navy is prohibited. 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.

The Board noted that as a result of your prior periods of honorable service, you may be eligible for veterans' benefits. You should contact the nearest office of the Department of Veterans Affairs if you desire clarification about your eligibility for those benefits.

The Board further noted that a DD Form 214 is not contained in the record for your first period of honorable service ending on 13 January 1986. If you do not have a copy, you may contact the Navy Personnel Command, Code PERS-312E, 5720 Integrity Drive, Millington, Tennessee 38055-3120, to request issuance of a DD Form 214 for your first period of honorable service.

Sincerely,


W. DEAN PFEIFFER
Executive Director