



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

TRG  
Docket No: 245-08  
22 August 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 19 August 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 27 May 1987 at age 24. On 16 June 1987 you were dropped from the Nuclear Power Program due to your admitted preservice cocaine use. On 4 November 1987 you received nonjudicial punishment for using cocaine while in the Navy.

Based on your drug abuse, you were processed for an administrative discharge by reason of misconduct. An administrative discharge board (ADB) met on 4 February 1988 and found that you had committed misconduct due to drug abuse and recommended discharge under other than honorable conditions.

On 16 March 1988 you were convicted by a summary court-martial of a short period of unauthorized absence and failure to go to your appointed place of duty. On 28 May 1988, the separation authority directed discharge under other than honorable conditions. Subsequently, you were an unauthorized absentee for about five days.

A special court-martial convened on 11 July 1988 and convicted use of wrongful distribution of cocaine and assault. The sentence of the court included forfeitures of pay, confinement at hard labor for five months and a bad conduct discharge. You began appellate leave in November 1988 and remained in that

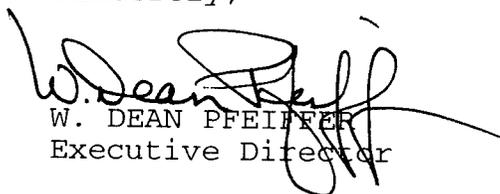
status until the bad conduct discharge was issued on 21 June 1989.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as the length of time since the discharge was issued and your contention that the reason for your discharge should at least be corrected to show that you were separated under other than honorable conditions instead of with a bad conduct discharge. The Board found that these factors and contention were not sufficient to warrant recharacterization of your discharge given your record of misconduct and especially your conviction by a special court-martial of assault and distribution of cocaine. The Board concluded that the bad conduct 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.

Sincerely,

  
W. DEAN PFEIFFER  
Executive Director