



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

SMS
Docket No: 1251-08
12 September 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 10 September 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 19 July 1986, you completed enlistment processing documents in which you denied using marijuana or narcotics. On 23 July 1986, you enlisted in the Naval Reserve at age 29 and began a period of active service on 6 August 1986. On 26 August 1986, it appears that you received a medical evaluation as a result of your accession urinalysis testing positive for cocaine. During the evaluation you admitted using marijuana on three occasions, but denied using cocaine. The evaluation concluded by finding that you were not drug dependent.

On 26 August 1986, your commanding officer initiated an entry level separation by reason of fraudulent entry due to your failure to disclose pre-service drug abuse. In connection with this processing, you acknowledged the separation action and did not object to discharge. On 2 September 1986, the separation

authority approved the discharge recommendation and directed an entry level separation by reason of fraudulent entry. On 9 September 1986, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your desire to change the reason for separation. The Board also considered your belief that you were discharged as a result of an undisclosed medical condition that you had no knowledge of before enlistment. Nevertheless, the Board concluded that these factors and belief were not sufficient to change your reason for discharge. In this regard, the record shows that you were discharged by reason of fraudulent entry due to your failure to disclose pre-service drug abuse. The Board also noted that you acknowledged the separation action and indicated that you did not object to discharge. 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.

Sincerely,


W. DEAN PFEIFFER
Executive Director