



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

SMS
Docket No: 2648-08
20 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 19 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.

On 17 October 1988, you enlisted in the Navy at age 19. On 22 November 1989, your urinalysis tested positive for amphetamines. On 14 December 1989, you had nonjudicial punishment (NJP) for use of amphetamines. On 21 December 1989, a medical evaluation recommended that you receive treatment for drug abuse, which you completed on 12 June 1990. On 23 January 1991, your urinalysis tested positive for amphetamines. On 19 February 1991, a medical evaluation diagnosed you as having a chemical dependency and recommended that you receive further treatment. On 20 February 1991, you had NJP for use of amphetamines. On 1 March 1991, you began an unauthorized absence that ended on 6 March 1991, a period of about five days.

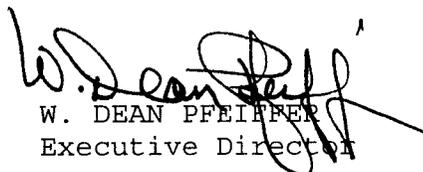
On 4 March 1991, your commanding officer initiated administrative separation by reason of misconduct due drug abuse. In connection with this processing, you acknowledged that separation could result in an other than honorable (OTH) discharge and waived the right to have your case heard by an administrative discharge board (ADB). On 2 April 1991, the separation authority approved the discharge recommendation and directed an OTH discharge by reason of misconduct due to drug abuse and authorized further treatment in conjunction with your separation. On 4 April 1991, it appears that you began

30 days of residential substance abuse treatment at a Veterans Affairs Hospital. On 3 May 1991, you were separated with an OTH discharge by reason of misconduct due to drug abuse.

The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth, desire for a better discharge, and post service conduct. Nevertheless, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to the seriousness of your misconduct. The Board also noted that you waived the right to have your case heard by an ADB, your best opportunity for retention or a more favorable characterization of service. 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