



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

SJN  
Docket No: 03232-08  
27 February 2009

[REDACTED]

[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 24 February 2009. 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.

You enlisted in the Naval Reserve and began a period of active duty on 9 February 1987 at age 27. You served without incident for over five years until 28 May 1992, when you received nonjudicial punishment (NJP) for wrongful use of marijuana.

On 5 June 1992, administrative discharge action was initiated to separate you by reason of misconduct due to drug abuse. You elected to consult with legal counsel and subsequently requested an administrative discharge board (ADB).

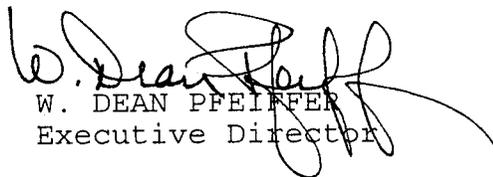
On 8 July 1992, an ADB unanimously found that you had committed misconduct due to drug abuse, and recommended discharge under other than honorable (OTH) conditions. However, due to an administrative error, it was directed that a new ADB be convened. On 17 December 1992, an ADB found that you had committed misconduct due to drug abuse, but recommended that your OTH discharge be suspended for a period of 12 months.

On 23 December 1992, your commanding officer (CO) concurred with the ADB findings, but did not concur with the recommendation of a suspended OTH discharge and recommended that you be separated with an OTH discharge. On 21 January 1993, the separation authority directed an OTH discharge by reason of misconduct due to drug abuse. You were so discharged on 3 February 1993.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your NJP for drug use. 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