



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

Docket No: 3373-08
8 May 2008

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: [REDACTED], REVIEW OF
NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) Case Summary
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner applied to this Board requesting that her naval record be corrected by setting-aside nonjudicial punishment (NJP) she received on 5 November 2007.

2. The Board, consisting of Messrs. [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 7 May 2008 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Petitioner enlisted in the Navy on 31 August 2006.

c. On 5 November 2007 she received NJP for use of cocaine. The punishment imposed consisted of forfeiture of \$729 pay per month for two months and reduction in rank. On 28 January 2008 an administrative discharge board (ADB) found no misconduct and voted to retain her. On 8 February 2008 Petitioner's commanding officer concurred with the decision of the ADB.

d. Petitioner argues that the NJP should be removed since she unknowingly ingested cocaine and speculates that someone put it in her drink while she was dancing at a bar.

CONCLUSION:

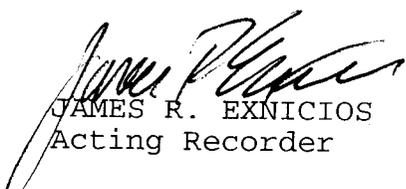
Upon review and consideration of all the evidence of record the

Board concludes that Petitioner's request warrants favorable action. The Board notes Petitioner's outstanding record as a Sailor and the laudatory comments of her witnesses at the ADB. The ADB believed her version of events and that she unknowingly ingested cocaine that was placed in her drink. The Board concurred with the ADB's decision and also believes her version of the events. The Board concludes that the 5 November 2007 NJP should be set-aside; however, it believes that the urinalysis report upon which the NJP was based should remain in her record.

RECOMMENDATION:

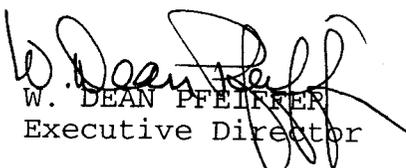
- a. That Petitioner's naval record be corrected by setting-aside the nonjudicial punishment she received on 5 November 2007, removing the record of the punishment from her record, and restoring all rights, benefits and privileges lost as a result of that punishment.
- b. That no further relief be granted.
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder



JAMES R. EXNICIOS
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER
Executive Director