



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

TJR  
Docket No: 5187-08  
19 March 2009

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 17 March 2009. The names and votes of the members of the panel will be furnished upon request. 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 reenlisted in the Navy on 26 July 1985 after nearly 10 years of prior honorable service. You continued to serve without disciplinary incident until 6 May 1988, when you received nonjudicial punishment (NJP) for a four day period of unauthorized absence (UA) and disobedience. The punishment imposed was reduction to paygrade E-3, restriction and extra duty for 14 days, and a \$320 forfeiture of pay.

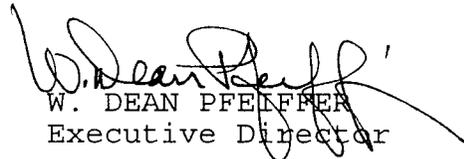
Your record contains a drug and alcohol report which states, in part, that on 8 July 1988 your urine sample tested positive for cocaine. As a result, on 4 August 1988, you were notified of pending administrative separation by reason of misconduct due to commission of a serious offense. After consulting with legal counsel, you waived your right to present your case to an administrative discharge board (ADB). On 25 August 1988 your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to commission of a serious offense.

During the period from 8 to 27 September 1988 you were in a UA status for 17 days. Nonetheless, the record does not reflect the disciplinary action taken, if any, for this misconduct. Subsequently, the discharge authority directed your commanding officer to issue you an other than honorable discharge by reason of misconduct, and on 23 December 1988, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your prior honorable service and desire to upgrade your discharge. It also considered your assertion of suffering with a Bi-Polar Disorder. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct which also resulted in your discharge. Further, you were given an opportunity to defend yourself, but waived your procedural right to present your case to an ADB. Finally, there is no evidence in the record, and you submitted none, to support your assertion. Accordingly, your application has been denied.

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