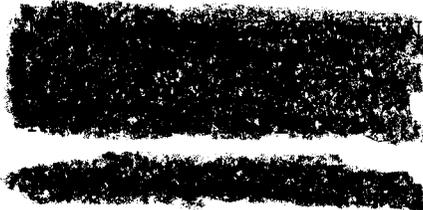




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 5295-08
8 April 2009



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 7 April 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 enlisted in the Navy on 15 March 1986 at age 21 and began a period of active duty on 20 May 1986. You served without disciplinary incident for nearly two years, but on 26 January 1988, you received nonjudicial punishment (NJP) for wrongful use of cocaine. The punishment imposed was restriction and extra duty for 45 days, reduction to paygrade E-2, and a \$700 forfeiture of pay.

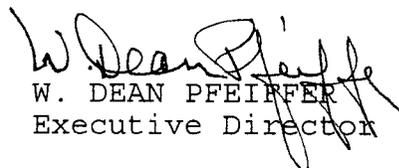
Subsequently, you were notified of pending administrative separation action by reason of misconduct due to drug abuse. After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). On 16 March 1988 an ADB recommended separation under other than honorable conditions by reason of misconduct due to drug abuse. On 25 March 1988 your commanding officer also recommended separation under other than honorable conditions by reason of misconduct. On 17 April 1988 the discharge authority approved these recommendations and directed your commanding officer to issue you

an other than honorable discharge by reason of misconduct due to drug abuse and on 29 April 1988 you were so discharged. A copy of your Certificate of Release or Discharge from Active Duty (DD Form 214) is enclosed for your information.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your discharge. It also considered your assertions that you were discharged because you had not been rated and that your discharge was under scrutiny. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your drug related misconduct. Finally, there is no evidence in the record, and you have submitted none, to support your assertions. 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

Enclosure