



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

BAN
Docket No: 05895-08
30 March 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 5 March 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.

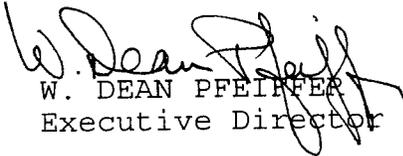
You had prior naval service from 1972 to 1987, and received honorable discharges and were recommended for reenlistment. You reenlisted on 28 August 1987, and served without disciplinary incident until 24 August 1990, when you received nonjudicial punishment for the illegal use of a controlled substance (cocaine). Therefore, you were recommended for separation with a general discharge. The separation authority approved the recommendation and on 1 April 1991, you were separated with a general discharge and an RE-4 reenlistment code due to your drug abuse. Characterization of service is based on overall trait marks assigned on a periodic basis. An overall trait average of "4.0" was required for a fully honorable discharge. Your trait average was "3.7".

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as

your youth and belief that enough time has elapsed to warrant upgrading your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct. Further, there is no provision in the law or regulations that allows for recharacterization of service due solely to the passage of time. Furthermore, the Board believed that considerable clemency was extended to you when you received a general discharge. Finally, the Board noted your overall trait average was insufficiently high for an honorable discharge. 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