



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

TJR  
Docket No: 6500-08  
21 May 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 12 May 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 11 January 1985 at age 20 and began a period of active duty on 6 February 1985. You served without disciplinary infraction until 11 August 1987, when you received nonjudicial punishment (NJP) for failure to obey a lawful order. Less than a year later, on 28 June 1988, you received NJP for assault.

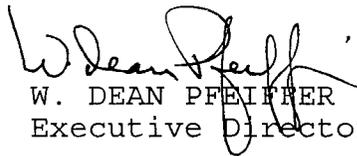
On 19 July 1989 you were convicted by summary court-martial (SCM) of two periods of absence from your appointed place of duty, wrongful possession of a false identification card, and wrongful use of marijuana. Shortly thereafter, on 24 August 1989, you received your third NJP for wrongful use of cocaine.

On 8 September 1989 you were notified of pending administrative separation action by reason of misconduct due to drug abuse, commission of a serious offense, and a pattern of misconduct. After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). On 22 September 1989 an ADB recommended discharge under honorable conditions by reason of misconduct due to drug abuse. However, on 15 November 1989, your commanding officer recommended an other than honorable discharge. Nonetheless, on 9 December 1989, the discharge authority approved the ADB recommendation and directed your commanding officer to issue you a general discharge by reason of misconduct due to drug abuse, and on 21 December 1989, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as youth, post service conduct, and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct which included drug abuse. 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