



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

SMS
Docket No: 7086-08
27 March 2009

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the 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 24 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

On 7 July 1985, you accepted an appointment as a commissioned officer in the Navy Reserve after having completed the Navy Health Professional Scholarship Program. You then served as a medical officer without incident until 21 November 1987, when you self-referred for alcohol and cocaine abuse. On 29 December 1987, you had nonjudicial punishment (NJP) for failure to go to your appointed place of duty and making a false official statement. On 11 January 1988, your commanding officer forwarded a report of NJP and recommended administrative processing.

During the period 15 January to 26 February 1988, you participated in residential substance abuse treatment during which time your urinalysis tested positive for illegal substances on two occasions. On 7 and 21 March 1988, you had two brief instances of unauthorized absence (UA) and were given a urinalysis after each UA that tested positive for illegal substances.

On 24 March 1988, you acknowledged that you were being considered for administrative processing for cause and acknowledged that separation could result in an other than honorable (OTH) discharge, waived the right to have your case heard by a board of inquiry (BOI), and submitted your resignation for the good of the service. On

25 March 1988, you had NJP for two brief instances of UA, absence from your appointed place of duty, use of marijuana, and two instances of use of cocaine. On 29 March 1988, your commanding officer forwarded a report of NJP, included your resignation request, recommended approval, and stated that you were going to participate in a civilian program for impaired physicians. On 30 May 1988, the Secretary of the Navy approved your resignation request and directed an OTH characterization of service by reason of misconduct due to drug abuse. On 17 June 1988, you so resigned.

The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your self-referral and personal efforts to overcome your addiction. The Board also considers your post service achievement, current diagnosis of having Bipolar Disorder, and the letters of reference that you provided regarding your present conduct and character. Nevertheless, the Board concluded that these factors were not sufficient to warrant recharacterization of your service due to the seriousness of your misconduct. The Board also noted that you waived the right to have your case heard by a BOI, which was your best opportunity for retention or a more favorable characterization of service. Therefore, the Board concluded that the characterization of service was proper as issued and no change is warranted. 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