



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

SMS  
Docket No: 7245-08  
31 March 2009

[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 25 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.

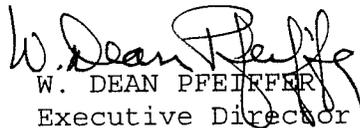
On 24 February 1987, you enlisted in the Navy at age 18 after being granted a pre-service drug abuse waiver. On 20 July 1988, you reported for duty on board a nuclear powered submarine. On 30 April 1990, you had nonjudicial punishment for two instances of dereliction in the performance of your duties and use of marijuana. On 30 April 1990, your commanding officer initiated administrative separation by reason of misconduct due to drug abuse. In connection with this processing, you acknowledged that separation could result in an other than honorable (OTH) discharge and waived the right to have your case heard by an administrative discharge board (ADB). On 14 May 1990, you received a medical evaluation during which time you stated that although you had pre-service drug use, you had not used them after enlistment until you chose to do so to get transferred because of a longstanding personal problem with a leading petty officer. On 18 May 1990, the separation authority approved the recommendation and directed an OTH discharge by reason of misconduct due to drug abuse. On 13 June 1990, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth and period of good service. The Board also considered your explanation

of purposely using marijuana in order to remove yourself from an abusive situation, which it noted was also the same explanation that you gave before you were discharged. Nevertheless, the Board concluded that these factors and explanation were not sufficient to warrant recharacterization of your discharge due to the seriousness of your misconduct, your pre-service drug abuse waiver, and no evidence in the record of the abuse that you contend to have received. The Board also noted that you waived the right to have your case heard by an ADB, your best opportunity for retention or a more favorable characterization of service. Therefore, the Board concluded that the discharge 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 PFETFFER  
Executive Director