



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

BAN
Docket No: 07704-08
7 May 2009

[REDACTED]

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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 6 May 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 enlisted in the Navy on 14 January 1985. However, you received a pre-service waiver for prior misconduct that you never disclosed. You served without disciplinary incident until 20 December 1985, when you received nonjudicial punishment (NJP) for unauthorized absence (UA) and missing ship's movement.

Shortly thereafter, on 12 May 1987, you received another NJP for being drunk in public. Further, on 14 December 1987, you were convicted at a special court-martial (SPCM) for the illegal possession of a controlled substance and drug paraphernalia. You were recommended for separation with an other than honorable (OTH) discharge due to your pattern of misconduct. You were advised of your procedural rights, and you chose to waive the right to an administrative discharge board (ADB). On 15 February 1988, the separation authority approved the recommendation, and

on 7 March 1988, you were separated with an OTH and an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and the passage of time. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge due to the seriousness of your misconduct. The Board noted you waived your right to an ADB, which was your best opportunity for retention or a better characterization of service. 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