



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

SJN
Docket No: 08225-08
10 July 2009



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 9 July 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 and began a period of active duty on 4 May 1987 at age 25. On 3 June 1987, you were counseled and warned after your accession urinalysis tested positive for marijuana use that further misconduct could result in administrative discharge action.

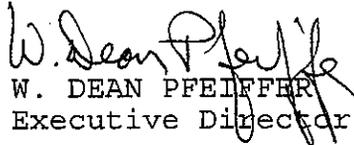
On 5 October 1987, a Physical Evaluation Board (PEB) determined that you were unfit to perform the duties required for active duty, and recommended that you be permanently separated from the service. Based on the information currently contained in your record it appears you were advised of your rights, and elected to receive copies of documents to be forwarded to the separation authority, but waived all your other procedural rights. Subsequently, on 22 October 1987 you were discharged with an entry level separation.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant changing the reason

for your separation or recharacterization of your discharge because of the PEB's findings. With regard to your characterization of service, the Board noted that you were notified of your separation process within 180 days of the beginning of your period of active service. Navy regulations authorize an uncharacterized entry level separation if the processing of a Sailor's separation begins within 180 days of his entry on active duty. 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