



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

BJG
Docket No: 9025-08
2 July 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 1 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 and medical records, and applicable statutes, regulations and policies.

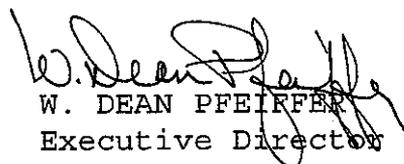
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. The Board found that you entered active duty in the Navy on 3 June 1987. On 20 January 1989, you had nonjudicial punishment (NJP) for wrongful use of cocaine. On 4 October 1991, you reenlisted for six years. You received NJP on three more occasions for two instances of unauthorized absence totaling approximately 28 days, and two more specifications of the wrongful use of cocaine. On 2 February 1993, you were notified of pending administrative separation processing for an other than honorable (OTH) discharge for misconduct (drug abuse). You waived your right to an administrative discharge board (ABD). On 4 March 1993,

the separation authority approved the OTH discharge for misconduct (drug abuse), and an RE-4 reenlistment code. You were so discharged on 5 April 1993.

The Board, in its review of your entire record, carefully weighed all potential mitigation, such as your youth, current desire to serve your country in the military, and character reference letters. Nevertheless, the Board concluded that these factors were not sufficient to warrant changing your OTH discharge or reenlistment code because of your drug abuse. In view of the above, 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