



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

CRS
Docket No: 11587-08
24 March 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 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 7 January 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.

The Board found that you enlisted in the Navy on 21 December 1984. On 7 July 1986 you were convicted by civil authorities of reckless driving, driving on a suspended license, and issuing worthless checks. The court sentenced you to a fine of \$80 and confinement for 30 days, which was suspended. On 13 October 1986 you were convicted by civil authorities of drinking in public. The court sentenced you to a fine of \$10. A special court-martial convened on 6 November 1986 and found you guilty of a period of unauthorized absence, missing movement, and dereliction of duty. On 24 December 1986 you were found in possession of hashish and a drug screening found that you were an abuser of numerous drugs. On 13 May 1987 you received nonjudicial punishment for possession of hashish.

On 26 May 1987 your commanding officer recommended that you be separated with a discharge under other than honorable conditions by reason of misconduct due to drug abuse. After being informed of the recommendation, you elected to waive the right to present your case to an administrative discharge board. After review by the discharge authority, the recommendation for separation was approved and you were discharged on 9 June 1987 with a discharge under other than honorable conditions.

In its review of your application, the Board carefully considered your contention that you were discharged for the same charges that you were found not guilty of at a special court-martial. The Board could not find any evidence in the available records or your application which corroborates that contention. Accordingly, and as you have not demonstrated that it would be in the interest of justice for the Board to upgrade your discharge, 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