



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

BJG  
Docket No: 16-09  
30 September 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 30 September 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 20 October 1986. On 31 October 1986, you were granted a pre-service drug abuse waiver, and were counseled and warned that further drug abuse could result in administrative separation. You received nonjudicial punishment on five occasions for causing a riot or breach of the peace, assault, wrongful use or possession of a false military identification card, making a false official statement, wrongful use or possession of a controlled substance, five specifications of unauthorized absence, and wrongful use of cocaine. On 8 April 1988, you were again counseled and warned

separation. On 2 February 1999, you were notified of pending administrative separation processing for misconduct with an other than honorable (OTH) discharge due to drug abuse (use). After being advised of your procedural rights, you waived your right to an administrative discharge board (ADB). On 17 March 1989, you received the OTH discharge due to misconduct for drug abuse (use), and were assigned an RE-4 reenlistment code.

The Board, in its review of your entire record, carefully weighed all potential mitigation, such as your youth and desire for veterans' benefits. Nevertheless, the Board concluded that these factors were not sufficient to warrant changing your OTH discharge because of your misconduct and drug abuse. The Board noted that you waived your right to an ADB, your best opportunity for retention or a better characterization of service. 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