



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

CRS
Docket No: 2047-09
23 April 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 22 April 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 reenlisted in the Navy on 26 May 1989 after more than ten years of prior active service. A special court-martial convened on 30 April 1991 and found you guilty of using cocaine on two occasions. The court sentenced you to a forfeiture of \$300.00 per month for three months, reduction in pay grade, and a bad conduct discharge. You were discharged on 31 March 1994 upon the completion of the appellate review of your conviction and sentence.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your contention that you requested drug rehabilitation in order to be retained on active duty. It noted that you would not have been entitled to be restored to duty even if you had successfully completed a drug rehabilitation program. The Board concluded that your service was appropriately characterized with a bad conduct discharge, given your repeated acts of drug abuse. 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