



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

CRS  
Docket No: 3184-09  
22 March 2010



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 6 January 2010. 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 31 March 1989. On 16 July 2003 you requested that you be transferred to the Fleet Reserve in you then current grade of AMCM in lieu of administrative processing. You acknowledged that the Secretary of the Navy could approve transfer in a reduced pay grade. On 10 September 2003 the Navy Personnel Command sent the request for retirement to the Assistant Secretary of the Navy for Manpower and Reserve Affairs (ASN M&RA). Due to your positive urinalysis for cocaine he recommended that you be transferred in pay grade E-7. The request was approved, and ASN M&RA directed that you be transferred in pay grade E-7. On 30 November 2003 you were honorably released from active duty and transferred to the Fleet Reserve as a AMC.

The Board did not accept your unsubstantiated contention that the positive urinalysis for cocaine was faulty. The Board concluded given the serious nature of your misconduct, no corrective action is warranted in your case. 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