



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

TJR  
Docket No: 6246-09  
2 June 2010

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 June 2010. The names and votes of the members of the panel will be furnished upon request. 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

Prior to your reenlistment in the Navy, you were assigned to Level II alcohol rehabilitation treatment. On 8 October 1986 you reenlisted after four years of prior honorable service. You continued to serve without disciplinary incident until 3 October 1990, when you were convicted by civil authorities of driving under the influence of alcohol. On 30 October 1990 you received nonjudicial punishment (NJP) for wrongful possession and use of cocaine, failure to obey a lawful order, assault, and a one day period of unauthorized absence.

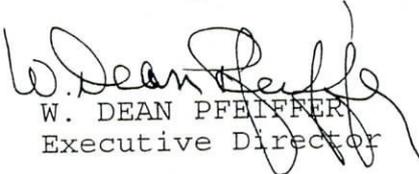
Subsequently, you were notified of pending administrative separation action by reason of misconduct due to drug abuse. After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). On 5 December 1990 an ADB recommended discharge under honorable conditions by reason of misconduct due to drug abuse. Shortly thereafter, your commanding officer, in concurrence with the ADB, also recommended discharge under honorable conditions by reason of misconduct due to drug abuse. On 17 December 1990 the discharge authority

approved these recommendations and directed your commanding officer to issue you a general discharge by reason of misconduct due to drug abuse, and on 26 December 1990, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your prior honorable service and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your drug and alcohol related misconduct in both the military and civilian communities. Accordingly, your application has been denied.

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