



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

REC  
Docket No: 08418-09  
10 June 2010

[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 9 June 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You reenlisted in the Navy on 26 January 1983. Between 22 June 1983 and 19 November 1986, you received four nonjudicial punishments (NJP's). You committed the following offenses: wrongfully violated a lawful general order by the use of marijuana, failure to obey a lawful order by consuming alcoholic beverages within 12 hours of standing watch, making a false official statement, and being in an unauthorized absence (UA) status. On 28 August 1986, you were convicted by a special court-martial (SPCM) for being UA for 102 days, failure to report to your appointed place of duty, and two instances of breaking restriction. You were sentenced to forfeitures of \$300, reduction in pay grade, and three months of confinement.

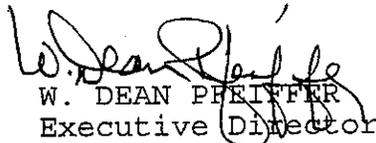
On 9 October 1986, administrative discharge action was initiated by reason of misconduct due to drug abuse. Your case was heard by an administrative discharge board (ADB), which recommended three to zero and other than honorable discharge. Your commanding officer concurred with the ADB's recommendation and forwarded his recommendation that you be discharged under other than honorable

conditions by reason of misconduct for drug abuse. On 16 March 1987, you were so discharged. At that time you were assigned an RE-4 reenlistment code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant changing the reason or characterization of your discharge given your record of four NJP's, and conviction by SPCM for misconduct. An RE-4 reenlistment code is required when an individual is discharged due to misconduct such as 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