



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

TJR
Docket No: 11818-09
11 March 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 9 March 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.

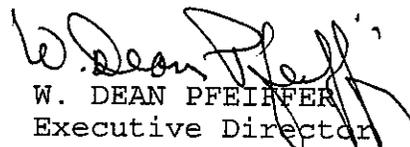
You enlisted in the Navy on 28 July 1983 at age 21. You honorably served without disciplinary incident until 4 June 2002, you received nonjudicial punishment (NJP) for wrongful use of marijuana. The punishment imposed was a \$2,642 forfeiture of pay, restriction and extra duty for 45 days, and a reduction to paygrade E-5.

On 29 June 2002 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 30 June 2002 an ADB recommended discharge under honorable conditions by reason of misconduct due to drug abuse. On 19 August 2002 your commanding officer, in concurrence with the ADB, also recommended discharge under honorable conditions. On 21 August 2002 the discharge authority approved these recommendations and directed your commanding officer to issue you a general discharge under honorable conditions by reason of misconduct due to drug abuse, and on 23 August 2002, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your overall record of honorable service and desire to set your discharge aside for retirement purposes or upgrade the characterization of your discharge to honorable. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge or reinstatement for retirement purposes because of the seriousness of your drug related misconduct which resulted in NJP. 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