



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

BJG
Docket No: 726-10
1 October 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 30 September 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 entered active duty in the Navy on 7 January 2003. You received a nonjudicial punishment for wrongful use and possession of a controlled substance. You were then notified that your commanding officer was recommending you for a general discharge due to misconduct (drug abuse). Your record is incomplete, but it appears that you waived all of your procedural rights, including your right to an administrative discharge board (ADB). On 1 February 2008, you received the general discharge due to misconduct

(drug abuse) and were assigned an RE-4 (not recommended for retention) reenlistment code.

The Board, in its review of your entire record, carefully considered all potentially mitigating factors, such as your service record, promotion to petty officer second class (pay grade E-5), and character reference letters. Nevertheless, the Board concluded that these factors were not sufficient to warrant changing your reenlistment code due to the seriousness of your misconduct. The Board noted that you waived your right to an ADB, your best opportunity for retention or a better characterization of service. The Board believed that you were fortunate to receive a general characterization of service, since Sailors who are administratively separated for drug abuse often receive other than honorable discharges. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

Since your discharge is less than 15 years old, you may petition the Naval Discharge Review Board (NDRB) for an upgrade. I have enclosed the NDRB's application form for your convenience.

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

Enclosure