



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

TJR
Docket No: 2174-10
14 January 2011

[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 11 January 2011. 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 24 July 1987 at age 17 and served without disciplinary incident. On 26 November 1988 you acknowledged, by your signature, that you understood and would comply with the Navy's drug abuse policy regarding "zero tolerance," which states, in part, that one time possession and/or use of illegal drugs may be cause for an administrative separation.

You reenlisted in the Navy on 3 July 1991 and continued to serve without disciplinary infraction until 9 October 1992, at which time a random vehicle inspection revealed what appeared to be marijuana. With your consent, a search of your room was also conducted, and as a result, a bag containing marijuana and cigarette rolling papers were found. During a interview regarding the foregoing, you admitted that a friend had dropped marijuana in your car, and that you had smoked marijuana about three weeks prior to this incident.

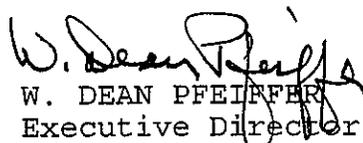
On 22 July 1993 you were notified of pending administrative separation action by reason of misconduct due to drug abuse. After consulting with legal counsel you elected to present your case to an administrative discharge board (ADB). On 25 June 1993 an ADB recommended discharge under other than honorable conditions by reason of misconduct due to drug abuse. On 26 June 1993 your commanding officer also recommended discharge under other than honorable conditions by reason of misconduct due to drug abuse. On 23 July 1993 the discharge authority approved these recommendations, and on 30 July 1993, 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 other than honorable discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your drug related misconduct and your total disregard for the Navy's "zero tolerance" drug abuse policy. Accordingly, your application has been denied.

In regard to your assertion that you were told by the Naval Discharge Review Board (NDRB) that you would be issued two new discharge certificates, be advised that this documentation is not reflected in your record. If you wish to review your official military personnel file, you may obtain a copy, which includes the proceedings of the NDRB, by submitting the enclosed Request Pertaining to Military Records, SF 180, to National Personnel Records Center (Military Personnel Records), 9700 Page Boulevard, St. Louis MO 63132.

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