



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

REC
Docket No: 03793-10
20 January 2011

[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 20 January 2011. 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 and began a period of active duty on 17 March 1992. On 16 November 1992, you received nonjudicial punishment (NJP) for failure to obey a lawful order. On 25 May 1993, you were convicted by a summary court-martial (SCM) of wrongful use of marijuana. You were sentenced to forfeitures of \$608, reduction in pay grade, and confinement for 30 days. Administrative separation action was initiated by reason of misconduct for drug abuse. On 12 June 1993, your case was heard by an administrative discharge board (ADB), which voted three to zero in favor of an other than honorable (OTH) discharge due to misconduct (drug abuse). On 25 June 1993, your commanding officer concurred with the ADB's finding and recommended that you be discharged under other than honorable conditions by reason of misconduct (drug abuse). On 12 August 1993, you received the OTH due to misconduct (drug abuse). At that time you were assigned an RE-4 reentry code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, and prior honorable service. Nevertheless, the Board found that these

factors were not sufficient to warrant recharacterization of your discharge, given your record of one NJP and conviction by SCM of drug abuse and misconduct. 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