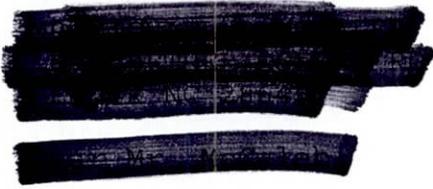




DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

REC  
Docket No: 05108-10  
10 February 2011



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 February 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 on 6 August 1982, and served honorably for over three years. You reenlisted on 5 February 1986. On 10 July 1987, you were evaluated for drug abuse, and recommended for drug and alcohol rehabilitation. On 19 August 1987, you provided a urine sample which tested positive for cocaine. You were placed on the drug urinalysis surveillance program by reason of providing a positive sample. On 28 April 1988, you received nonjudicial punishment (NJP) for being in an unauthorized absence (UA) status for 28 days. You provided a second urine sample which tested positive for a controlled substance. On 18 August 1988, administrative separation action was initiated by reason of misconduct for drug abuse. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). Your commanding officer forwarded his recommendation that you be discharged under other than honorable (OTH) conditions by reason of misconduct (drug use). On 10 September 1988, the discharge authority directed an OTH discharge by reason of misconduct for drug abuse. On

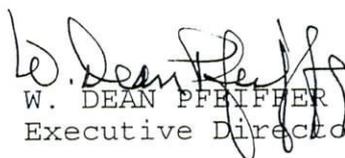
23 September 1988, you received the under OTH conditions discharge due to misconduct (drug abuse). At that time you were assigned an RE-4 reenlistment code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and prior honorable service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge, given your record of two positive urinalyses, and one NJP for drug abuse and misconduct. The Board noted that you waived your right to "an ADB, your best opportunity for retention or a more favorable characterization of service. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board noted that you may be eligible for benefits with the Department of Veterans Affairs (DVA) based on your first period of honorable service. You may wish to contact your local office of the DVA for a determination.

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