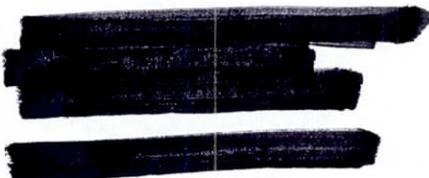




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

REC
Docket No: 05128-10
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 22 March 1986, and began a period of active duty on 25 July 1986, at age 22. On 18 December 1986, you received nonjudicial punishment (NJP) for being drunk on duty. On 29 December 1986, you were enrolled in a drug and alcohol rehabilitation program. On 22 August 1988, you received NJP for the wrongful use of marijuana. On 3 February 1989, you received NJP for provoking speeches or gestures. You were advised that your commanding officer was recommending you for administrative separation with an other than honorable discharge due to misconduct. On 23 March 1989, 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. You continued your misconduct and on 28 April 1989, you received your forth NJP for wrongful use of a controlled substance. On 9 May 1989, your commanding officer concurred with the ADB's finding and recommended that you be discharged with an OTH characterization by reason of misconduct (drug abuse). However, on 9 July 1989, the discharge authority directed an OTH

characterization by reason of misconduct. On 9 August 1989, you were so discharged. 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, conduct, and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant changing the characterization of your discharge, given your record of four NJP's for misconduct and drug abuse. In this regard, an RE-4 reenlistment code is required when an individual is discharged for misconduct and is not recommended for retention. 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