



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

BAN
Docket No: 05647-10
17 February 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 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.

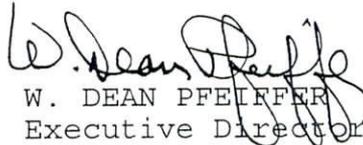
You reenlisted in the Navy on 10 January 1985, after four years of honorable service. You served without disciplinary incident until 5 June 1986, when you received nonjudicial punishment (NJP) for driving under the influence of alcohol. Shortly thereafter, on 21 December 1989, you received NJP for two specifications of wrongful use of marijuana. Therefore, you were recommended for separation with an other than honorable (OTH) discharge due to misconduct (drug abuse). You exercised your right to consult with counsel and requested an administrative discharge board (ADB). The ADB voted to separate you due to misconduct, and recommended an OTH discharge. However, your commanding officer did not agree with the ADB's recommendation and recommended a suspended discharge for 12 months pending any further misconduct which would result in your separation with an OTH discharge. The separation authority approved the recommendation. However, in June 1990, you tested positive during a urinalysis for the

wrongful use of marijuana. Therefore, on 12 July 1990, you were separated with an OTH discharge and an RE-4 (not recommended for retention) reentry code due to misconduct (drug abuse).

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and prior honorable service. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge due to your drug abuse. The Board noted that you waived your right to an ADB, your best opportunity for retention or a better characterization of service. 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