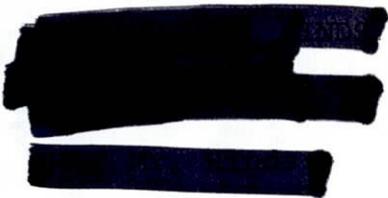




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

SJN
Docket No: 06340-10
4 April 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 29 March 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 11 February 1986 after two years of honorable service. The Board found that you were the subject of a Naval Criminal Investigation Service (NCIS) polygraph examination that stated, in part, that in the opinion of the examiner, you were not truthful in your responses to questions asked. However, you admitted to knowingly using cocaine while at a party, but did not provide specific details surrounding your use. Subsequently, on 29 February 1988, you received nonjudicial punishment for wrongful use of cocaine and nine days of unauthorized absence. You received a reduction in paygrade, a forfeiture of pay, restriction, and extra duty. On 17 March 1988, administrative discharge action was initiated by reason of misconduct due to drug use. You elected to consult counsel and have your case heard before an administrative discharge board (ADB). On 7 April 1988, the ADB unanimously recommended separation with an other than honorable (OTH) discharge by reason of misconduct due to drug abuse. On 9 May 1988, your commanding officer concurred with the ADB's findings and forwarded his

recommendation that you receive an OTH discharge. On 28 June 1988, the discharge authority directed an OTH discharge by reason of misconduct due to drug abuse. On 27 July 1988 you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, prior honorable service, and post service accomplishments.

Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your NCIS polygraph examination results, and NJP for wrongful use of cocaine. 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