



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

TJR
Docket No: 10262-10
8 July 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 6 July 2011. The names and votes of the members of the panel will be furnished upon request. 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.

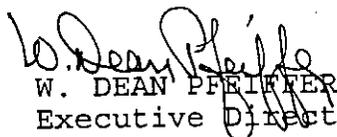
You enlisted in the Navy on 26 April 1991 at age 18. You served for nearly one year without disciplinary incident, but on 28 March 1992, you received nonjudicial punishment (NJP) for absence from your appointed place of duty, malingering, and assault.

Your record contains to drug and alcohol reports which state, in part, that during the period from 6 January to 19 February 1993 you committed the offenses of being absent from your appointed place of duty on two occasions, failed to obey a lawful order on two occasions, and wrongfully used amphetamines and marijuana. The record reflects that the foregoing misconduct was referred for trial. As a result, on 19 March 1993, you were convicted by special court-martial (SPCM) of absence from your appointed place of duty and wrongful use of marijuana. You were sentenced to confinement at hard labor for 60 days and a bad conduct discharge (BCD). Subsequently the BCD was approved at all levels of review and on 28 December 1993 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your discharge. Nevertheless, these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct which included drug abuse. Accordingly, your application has been denied.

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