



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

BAN
Docket No: 11165-10
25 July 2011

[REDACTED]

[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 14 July 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 had more than two years of prior honorable service in the Navy, when you reenlisted on 6 April 1979, and served without disciplinary incident, until 9 May 1979, when you received nonjudicial punishment for failure to obey a lawful order and two specifications of the wrongful use and possession of a controlled substance (marijuana). However, on 1 February 1980, you were separated with an honorable discharge and an RE-4 reenlistment code due to a physical disability which existed prior to entry.

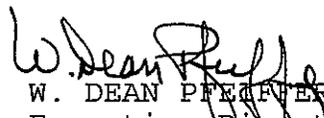
In October 2010, you petitioned this Board to change your reason for separation. However, your record and reason for separation are presumed to be correct without any additional information to the contrary.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as

your youth and claim that you had medical injuries that occurred during your first enlistment. However, you have not provided any documentation listing the exact physical disability you were separated for. Therefore, the Board does not know whether your physical disability was one of your prior injuries, or a new injury that was deemed to be pre-existing. Nevertheless, at this time, the Board concluded these factors were not sufficient to warrant a change to your reason for separation. 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