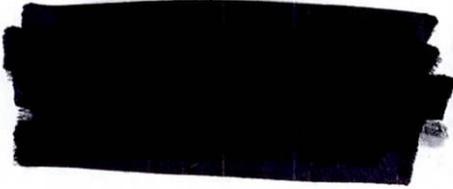




DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

RDZ:ecb  
Docket No. 00059-11  
29 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 26 April 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on the Navy on 25 January 1994. Your record shows that during your initial military training you were fully briefed on the Navy's zero tolerance drug policy the violation of which could subject you to court-martial proceedings and/or administrative separation with an other than honorable discharge (OTH). Unfortunately on 14 January 1997 you received nonjudicial punishment (NJP) for wrongful use of marijuana. When you were informed that you were being recommended for an OTH you waived your right to appear before an administrative discharge board where with the assistance of a military you could have requested retention or a better discharge. You also chose to waive your entitlement to a surgical procedure to repair a torn meniscus. Consequently you received an OTH on 18 February 1997. Your record also reveals that

between January and December of 1996 you received three NJP's for unauthorized absences of 30 days, 45 minutes, less than one day and missing ships movement.

In its review of your application the Board concluded that due to the seriousness of the offense for which you were separated (drug usage) as well as your prior acts of conduct and your willingness to accept an OTH your discharge was proper as issued and should be changed now as a matter of clemency.

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