



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

TJR
Docket No: 2377-11
1 December 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 29 November 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 14 January 1988 at age 23 and began a period of active duty on 22 March 1988. You served without disciplinary incident until 17 July 1990, when you were convicted by summary court-martial (SCM) of wrongful use of cocaine. You were sentenced to confinement and restriction for 20 days, reduction to paygrade E-1, and a \$250 forfeiture of pay.

Subsequently, you were processed for administrative separation by reason of misconduct due to drug abuse. On 24 August 1990, after consulting with legal counsel, you elected your right to present your case to an administrative discharge board (ADB). On 19 September 1990 an ADB recommended discharge under other than honorable conditions by reason of misconduct due to drug abuse. On 18 October 1990, your commanding officer, in concurrence with the ADB, also recommended discharge under other than honorable

conditions by reason of misconduct due to drug abuse. On 7 December 1990 the discharge authority approved these recommendations and directed your commanding officer to issue you an other than honorable discharge by reason of misconduct, and on 8 January 1991, 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. It also considered your assertion that you are no longer using drugs. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your drug related misconduct which resulted in a SCM. Finally, there is no evidence in your record, and you submitted none, to support your assertion. 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