



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD SUITE 1001
ARLINGTON VA 22204-2490

BAN
Docket No: 03777-11
7 February 2012

[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 7 February 2012. 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 prior honorable service in the Navy from 1977 to 1983. You reentered active duty in the Navy on 23 December 1983, and served without disciplinary incident until 22 September 1989, when you tested positive for cocaine use during a command urinalysis. On 27 September 1989, you received Counseling and Assistance Center (CAAC) screening and met the criteria for substance abuse and were recommended for the Veterans Affairs drug treatment program. Due to your drug usage and the Navy's zero tolerance policy, you were recommended for administrative separation with an other than honorable (OTH) discharge due to your drug abuse. You exercised your right to counsel and requested an administrative discharge board (ADB). However, on 30 November 1989, you received nonjudicial punishment for disrespect to a noncommissioned officer. On 7 December 1989, the ADB voted to separate you due to your drug abuse with an OTH

discharge. Furthermore, after your ADB, you again tested positive for cocaine use. The separation authority approved the recommendation and on 15 February 1990, you were separated with an OTH discharge and an RE-4 reenlistment code

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, claim that sufficient time has passed and you have paid your dues. Additionally, the Board noted your request to be present before the Board. Please be advised that hearings before the Board are not granted as a matter of right. Hearings are granted when the Board determines there is some indication of error or injustice and that a hearing will serve a useful purpose. Therefore, the Board concluded these factors were not sufficient to warrant a personal hearing or recharacterization of your discharge due to the seriousness of your offense of drug abuse. You are further advised that no discharge is upgraded due merely to the passage of time or post service good conduct. 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