



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

TJR
Docket No: 4736-11
16 February 2012

[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 February 2012. 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.

Your record reflects that you enlisted in the Navy on 6 August 1987 and served without disciplinary infraction until 30 January 1989, when you were in an unauthorized absence (UA) status for an unspecified period. On 8 February 1989 you were again UA for an unspecified period. The record does not reflect the disciplinary action taken, if any, for these periods of UA.

Your record contains a court memorandum which reflects that during the period from 16 April to 1 May 1991 you were in a UA status for 16 days. However, it does not reflect the disciplinary action taken for this misconduct. About seven months later, on 26 December 1991, you received nonjudicial punishment for absence from your appointed place of duty and failure to obey a lawful order. The punishment imposed was restriction and extra duty for 10 days and reduction to paygrade E-3. The reduction was suspended for three months.

On 13 July 1995 you again received NJP for failure to obey a lawful order and were awarded restriction and extra duty for 45 days and reduction to paygrade E-4. The restriction was suspended for six months.

Your record also reflects that on 2 August 1997, while serving in paygrade E-4, you completed your required active service, transferred to the Naval Reserve, and were assigned an RE-1 reenlistment code. However, the record further reflects that as a result of a positive urinalysis, you were identified as a drug abuser and advised that any further such incidents would result in an administrative separation. On 3 August 1998 you were terminated from the Naval Reserve by reason of unsatisfactory drill participation as evidenced by your inability to maintain satisfactory drill attendance. As a result, you were not recommended for reaffiliation and transferred to the Inactive Ready Reserve. Subsequently, on 19 March 2000, you were honorably discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to have derogatory documentation removed from your record and your record corrected to reflect reinstatement to paygrade E-5. It also considered your assertion that you were hastily processed for separation. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your misconduct, which resulted in two NJPs and include drug abuse, your unsatisfactory drill participation, and nonrecommendation for reaffiliation. Finally, there is no evidence in the 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