



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

BAN  
Docket No: 10886-12  
23 October 2013

[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 17 October 2013. 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 16 July 1998, and served without disciplinary incident, until 10 June 1999, when you received nonjudicial punishment (NJP) for unauthorized absence and being incapacitated for duty due to alcohol use. Therefore, you were also given a fitness for duty examination due to your intoxication and tested positive for wrongful drug use (marijuana). You were recommended for separation with a general discharge due to misconduct (drug abuse). You waived your right to consult with counsel but were not authorized an administrative discharge board (ADB) due to your short length of service and recommendation for a general discharge. The separation authority approved the recommendation and on 24 June 1999, you were separated with a general discharge due to misconduct (drug abuse) 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 and family issues. However, the Board concluded these factors were insufficient to warrant changing your characterization of service and your narrative reason for separation because of the seriousness of your offense (drug abuse) and other misconduct. The Board believed you were fortunate to receive a general characterization of service, since Sailors who are separated due to misconduct normally receive other than honorable discharges. 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 PFENIFFER  
Executive Director