



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

TRG  
Docket No: 4315-01  
31 October 2001

[REDACTED]

Dear [REDACTED]

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 30 October 2001. 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 27 December 1988 at age 19. On 12 October 1989 you received nonjudicial punishment for an unauthorized absence of about seven days. On 19 January 1990 you were counseled and warned concerning financial indebtedness and writing bad checks. About three months later, you were placed on six months limited duty following surgery on your knee. You received another nonjudicial punishment on 27 June 1990 for use of marijuana and an unspecified period of unauthorized absence.

Based on the foregoing record, you were processed for an administrative discharge. In connection with this processing, you elected to waive the right to have your case heard by an administrative discharge board. Subsequently, the discharge authority approved the recommendation of your commanding officer that you be discharged for misconduct with a discharge under other than honorable conditions. You were so discharged on 16 August 1990.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, knee injury and desire for veterans benefits. The Board also considered your

contention that the command switched your urine sample so that you would test positive. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your use of drugs and other misconduct. There is no evidence in the record, and you have submitted none, to support your contention that the command tampered with your urine sample. The Board is aware that an administrative discharge under other than honorable conditions is not always a complete bar to veterans benefits in regards to a service connected disability. However, the decision whether or not to grant benefits is a matter solely within the discretion of the Department of Veterans Affairs. The Board concluded that the discharge was proper as issued and no change is warranted.

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