



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

JRE  
Docket No: 5268-01  
6 March 2002



[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 28 February 2002. 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.

As a preliminary matter, the Board noted that as drug and alcohol abuse are not conditions classified as physical disabilities under the laws administered by the military departments, there is no basis for correcting your record to show that you were separated or retired by reason of physical disability because of those conditions. With regard to the characterization of your discharge, the Board noted that you were discharged because you used an illegal drug following your completion of an in-patient drug and alcohol rehabilitation program. Your belief that you were entitled to exemption from the consequences of your illegal activity is mistaken. It could not find any basis for setting aside the nonjudicial punishment you received for your drug use, or for setting aside your discharge. Your reasons for using drugs, the adverse consequences of your discharge under other than honorable conditions, and your reasons for wanting the characterization of your service to be upgraded were carefully considered, but found insufficient to warrant a recommendation for corrective action in your case. 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