



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

BJG
Docket No: 7644-00
12 December 2001

OSI [REDACTED] SNFR
[REDACTED]
[REDACTED]

Dear Petty Officer [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.

As indicated in the attached memorandum dated 18 January 2001, the Navy Personnel Command (NPC) has directed removal of the contested narrative summary, dated 9 April 1981 (document 4-9).

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 12 December 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. In addition, the Board considered the advisory opinion furnished by NPC dated 15 December 2000, a copy of which is attached.

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 warranting removal of the remaining contested document, the Drug Disposition Recommendation dated 31 January 1981 (document 9-9). In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application for relief beyond that effected by NPC 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

Enclosures



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND

5720 INTEGRITY DRIVE

MILLINGTON TN 38055-0000

5420

PERS-832C

15 Dec 00

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL RECORDS (BCNR)

Via: PERS/BCNR Coordinator (PERS-00ZCB)

Subj: OS1 [REDACTED] USN, [REDACTED]

Encl: (1) BCNR File 07744-00
(2) Petitioner's Microfiche Record

1. The petition and naval records of subject petitioner have been reviewed relative to his request for removal of derogatory material.

2. The review reveals that the petitioner went to NJP for wrongful use and possession of marijuana. He successfully completed drug rehabilitation and was retained and warned by PERS-83 on 12 Aug 81. Documentation supporting that significant event should remain in the record. Maintenance of those documents is essential to depict the petitioner's character and background, and in conjunction with any other unsatisfactory conduct, to serve as a possible consideration for future administrative action. A presumption of regularity attaches to official records, and the burden of proof is on the petitioner to show documentary evidence that an error has occurred or injustice suffered. There is no way to verify whether or not petitioner used drugs other than alcohol and marijuana as stated in his petition. However, the information contained on the [REDACTED] document (page 4-9) does conflict with the Drug Disposition Recommendation (page 9-9) regarding drug usage and amounts. Also page 4-9 states that petitioner did not have a high school diploma and the DD 1966 states that he did upon enlistment. Therefore, it is recommended that only page 4-9 be removed from the record to eliminate the conflicting information.

[REDACTED]

Technical Advisor to the
Head, Enlisted Performance
Branch (PERS-832)



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

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PERS 313D1/840
18 Jan 01

MEMORANDUM FOR ASSISTANT FOR BCNR MATTERS (PERS00XCB)

Subj: CORRECTION TO THE PERMANENT RECORD [REDACTED]
USN [REDACTED]

- Encl: (1) Your ltr PERS-00ZCB Of 3 Jan 01
- (2) BCNR Docket No. 7644-00
- (3) Removed images
- (4) Corrected record

1. A review of member's record indicates the correction as directed by enclosures (1) and (2) are completed.

2. Enclosures (1) through (4) are forwarded.

[REDACTED]

Head, Quality Control Unit