



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

CRS
Docket No: 6329-02
19 December 2002

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 11 December 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.

The Board found that you enlisted in the Navy on 14 February 2000. The record reflects that on 27 April 2001 you received nonjudicial punishment for use of ecstasy.

On 11 June 2001 the commanding officer recommended that you be separated with an other than honorable discharge by reason of misconduct due to drug abuse. When informed of the recommendation, you elected to waive the right to present your case to an administrative discharge board. After review by the discharge authority, the recommendation for separation was approved and on 15 June 2001 you were discharged with an other than honorable discharge.

The Board considered two advisory opinions furnished by the Navy Environmental Health Center dated 15 March and 18 September 2002, copies of which are attached. The opinions state, in effect, that no service members were victimized by false positive urinalyses for ecstasy. Further, there is no doubt that your urine sample tested positive for Ecstasy.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity and the contention that you should be reinstated since your positive urinalysis for ecstasy was flawed, based on a newspaper article on Navy drug testing. However, the Board concluded that these factors were not sufficient to warrant reinstatement, given your use of drugs. Additionally, the Board concurred with the two advisory opinions. 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

Enclosures

