



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

JRE  
Docket No: 6920-01  
20 May 2002

[REDACTED]

[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 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 30 September 1999. You received nonjudicial punishment on 28 February 2001 for multiple offenses, to include three specifications illegal use of drugs, one specification of larceny, and one of being incapacitated for duty because of prior indulgence in alcohol. You were convicted by civil authorities during march 2001 of driving while under the influence of alcohol, and sentenced to 36 months probation. An administrative discharge board which convened on 11 July 2001 found that you had committed misconduct due to drug abuse, commission of a serious offense, and driving under the influence of alcohol, and recommended that you be separated from the Navy with a general discharge. The findings and recommendation of the administrative discharge board were approved, and you were discharged by reason of misconduct on 17 August 2001.

The Board rejected your unsubstantiated contention to the effect that you used drugs as part of a suicide attempt. It appeared to the Board that your drug use was recreational in nature. The Board was not persuaded that any of the numerous acts of misconduct which resulted in

your discharge processing was caused by or related to a depressive disorder. In addition, it was not persuaded that you were unfit for duty because of the effects of such a disorder. It noted that even if you had been unfit for duty, you would not have been entitled to disability processing, because a discharge by reason of misconduct takes precedence over disability evaluation.

In view of the foregoing, 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