



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

FC
Docket No: 00717-03
23 June 2003



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 18 June 2003. 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 24 August 1995 at age 21. On 11 April 1997 you were convicted by general court martial (GCM) of four instances of drug abuse, apparently using LSD; and a violation of Article 134 of the Uniform Code of Military Justice, apparently false swearing. You were sentenced to nine months of confinement, reduction to paygrade E-1 and a bad conduct discharge (BCD). On 22 September 1997 you were placed on mandatory leave pending appellate review of your case. On 11 May 1998, upon completion of appellate review, you were separated with a BCD.

In its review of your case, the Board carefully weighed all potentially mitigating factors such as your youth and immaturity. However, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your drug abuse and of the misconduct that resulted in a

conviction by GCM. 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