



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

HD:hd
Docket No: 03466-03
8 September 2003

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: AC1 [REDACTED] USN [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 22 Apr 03
(2) PERS-832B memo dtd 19 Jun 03
(3) PERS-663 memo dtd 31 Jul 03
(4) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected by removing the OPNAV 5350-2 Drug and Alcohol Abuse Report (DAAR) dated 17 November 1992, concerning drug screening. A copy of this report is at Tab A.
2. The Board, consisting of Messrs. Adams, Geisler and Zsalman, reviewed Petitioner's allegations of error and injustice on 28 August 2003, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.
3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:
 - a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.
 - b. In correspondence attached as enclosure (2), the Navy Personnel Command (NPC) office having cognizance over enlisted performance has commented that Petitioner has no record of disciplinary action or administrative separation regarding the incident in 1992.
 - c. In correspondence attached as enclosure (3), the NPC office having cognizance over the Navy Alcohol and Drug Abuse Prevention Program has commented to the effect that Petitioner's request has merit and warrants favorable action.

CONCLUSION:

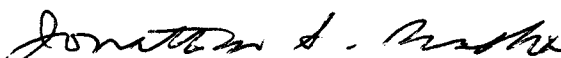
Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (2) and (3), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

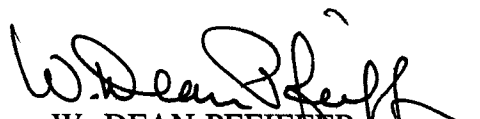
- a. That Petitioner's naval record be corrected by removing the OPNAV Form 5350-2 Drug and Alcohol Abuse Report (DAAR) dated 17 November 1992 (two pages).
- b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.
- c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


JONATHAN S. RUSKIN
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.


W. DEAN PFEIFFER
Executive Director

**DEPARTMENT OF THE NAVY**

**NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000**

5420
PERS-832B
19 Jun 03

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

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

Subj: AC1 [REDACTED]

Encl: (1) BCNR File 03466-03
(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 has no record of disciplinary action or administrative separation regarding the incident in 1992. The Drug and Alcohol Abuse Report form comes under the cognizance of PERS-60. Therefore, this petition should be forwarded to that code for opinion regarding removal.

[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

5355
PERS-663
31 Jul 03

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

Subj: AC1 [REDACTED] USN [REDACTED]

Ref: (a) Pers-00ZCB memo 5420 of 30 Jun 03

1. In response to reference (a), naval records and Alcohol and Drug Management Information Tracking System (ADMITS) have been reviewed to consider subject named member's request for removal of derogatory material.
2. Based on command's determination that an incident of drug abuse did not occur, recommend removal of Drug and Alcohol Abuse Report (DAAR) from subject member's naval records.
3. My point of contact is [REDACTED] who can be reached at (D [REDACTED])

[REDACTED]

W [REDACTED]

H [REDACTED] Navy Alcohol and
Drug Abuse Prevention Program
(PERS-663)