

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

RDZ:jdh
Docket No. 05557-03
27 August 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 27 August 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.

You served on active duty in the Navy from March 25, 1983 until January 22, 1986, when you were separated with a bad conduct discharge pursuant to your conviction by special court—martial. Specifically on September 9, 1985 you were found guilty of being on unauthorized absence from 18 to 24 December of 1984, wrongfully possessing cocaine, wrongfully distributing cocaine on three occasions to another Sailor, wrongfully using marijuana, fifteen occasions and wrongfully bringing cocaine to the [REDACTED] on four occasions. The fact that you are now a responsible and law abiding member of your community is not a basis for changing your discharge in view of the serious nature of your drug related misconduct and the frequency with which you engaged in such acts.

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