



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

CRS
Docket No: 11549-08
5 October 2009

[REDACTED]

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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 30 September 2009. 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 18 October 1988. On 27 February 1991 you received nonjudicial punishment for the use of cocaine.

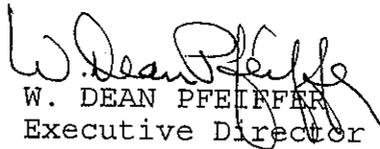
On 19 March 1991 an administrative discharge board (ADB) recommended that you be separated from the Navy with a discharge under other than honorable conditions by reason of misconduct due to drug abuse. The ADB was unanimous in its decision that you had committed misconduct due to drug abuse but noted one dissenting vote on the issue of characterization of your service as under other than honorable conditions. After review by the discharge authority, the recommendation for separation was approved and on 17 April 1991 you were separated with a discharge under other than honorable conditions by reason of misconduct.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, overall service, as well as the contention that there was a 2 to 1 vote of the ADB. The Board concluded that the mitigating factors present in your case are insufficient to warrant

recharacterization of your discharge, given your involvement with unlawful drugs. Furthermore, the ADB was unanimous in its decision that you had committed misconduct. 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