



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

TJR
Docket No: 3965-09
2 April 2010

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 March 2010. The names and votes of the members of the panel will be furnished upon request. 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You were commissioned in the Navy Reserve on 11 April 1998 in the rank of lieutenant junior grade (LTJG) and immediately began a period of active duty. You served without disciplinary incident until 19 April 2001, when you were convicted by general court-martial (GCM) of wrongful use and possession of cocaine, theft of a controlled substance, specifically, Nubain, valued at less than \$100, and two specifications of breaking restriction. You were sentenced to confinement for 12 months and dismissal from the Naval Service.

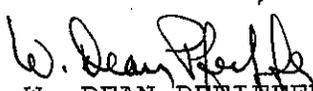
After the dismissal was approved at all level of review, the Assistant Secretary of the Navy, Manpower and Reserve Affairs, directed the execution of your dismissal from the Naval Service, and on 5 May 2006, you were issued a letter of dismissal.

In accordance with the regulations and guidelines for dismissal of officers from the Navy pursuant to sentence of a GCM, a certificate of discharge reflecting a characterization of service will not be awarded. However, it appears that you were erroneously issued a Certificate of Discharge or Release from Active Duty (DD Form 214). In this regard, the only separation document issued for officers dismissed from the Navy Reserve shall be a letter signed by the Secretary of the Navy.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your prior honorable service, post service conduct, and presumed desire to have your dismissal from the Naval Service removed from the record as a matter of clemency. Nevertheless, the Board concluded these factors were not sufficient to warrant approval of such action because of the seriousness of your drug related misconduct, which resulted in a GCM and your dismissal. Accordingly, your application has been denied.

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