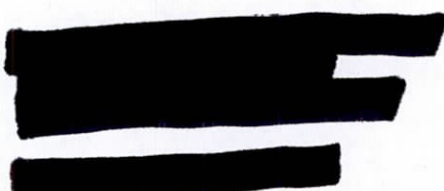




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

REC
Docket No: 02485-10
27 December 2010



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 15 December 2010. 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 reenlisted in the Navy on 4 January 1988, after serving honorably from 24 September 1981. On 4 February 1988, you received nonjudicial punishment (NJP) for the wrongful use of a controlled substance (marijuana). On 9 March 1988, you received a drug and alcohol evaluation, in which you admitted to consuming approximately one 12 pack of beer daily. You were recommended for Level III Inpatient Treatment. Administrative discharge action was initiated by reason of misconduct (drug abuse). On 21 March 1988, your case was heard by an administrative discharge board (ADB), which voted three to zero in favor of an other than honorable (OTH) discharge due to misconduct (drug abuse). On 7 April 1988, you received your second NJP for wrongful use of a controlled substance (marijuana). On 8 April 1988, your commanding officer concurred with the ADB's finding and recommended that you be discharged under other than honorable conditions by reason of misconduct (drug abuse). On 11 May 1988, you received the OTH due to misconduct (drug abuse). At that time you were assigned an RE-4 reenlistment code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, conduct and performance, overall record of service, and prior honorable service. Nevertheless, the Board found that these factors were not sufficient to warrant changing the reason or characterization of your discharge, given your record of two NJP's, and the fact that you were counseled and warned of the consequences of further misconduct, and still committed another offense. 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