



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

REC
Docket No: 05095-10
10 February 2011

[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 9 February 2011. 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.

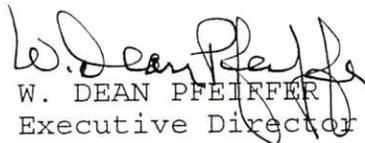
You enlisted in the Navy and began a period of active duty on 5 February 2003. Your record is incomplete, but on 27 March 2006, you received nonjudicial punishment (NJP) for failure to obey a lawful order and another unspecified offense involving drug abuse. On your periodic evaluation from 3 February 2007 through 15 March 2008, you were not recommended for retention based on your failure to conform to the Navy's drug policy. Administrative discharge action was initiated by reason of misconduct (drug abuse). On 21 July 2008, your case was heard by an administrative discharge board (ADB), which voted three to zero in favor of a general discharge due to misconduct (drug abuse). Your commanding officer concurred with the ADB's finding and recommended that you be discharged with a general discharge by reason of misconduct (drug abuse). On 18 September 2008, you received the general discharge due to misconduct (drug abuse), and were assigned an RE-4 (not recommended for retention) reentry code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as

your youth. However, the Board found that these factors were not sufficient to warrant any change in your reentry code, given your record of NJP and nonrecommendation for retention. The Board also noted that you were fortunate to receive a general discharge since a separation under other than honorable conditions is often directed when an individual is found to have 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