



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

RDZ:ecb
Docket No. 05628-11
13 October 2011

[REDACTED]

[REDACTED]

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 5 October 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 19 May 1998 for a term of four years. Your record shows that during your initial military training you were fully briefed on the Navy's zero tolerance drug policy the violation of which could result in court-martial proceedings and or administrative separation with an other than honorable discharge (OTH). Unfortunately a little less than two years later you received nonjudicial punishment for wrongfully using crystal methamphetamine. You were then referred to an administrative discharge board (ADB) where you were represented by a military lawyer. Although the ADB found that you had wrongfully used drugs it recommended that you be retained. Your commanding officer did not concur in the ADB's recommendation for retention but instead

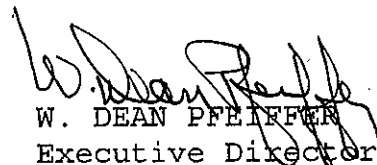
urged that you be issued an OTH. Your case was then forwarded to the Chief of Naval Personnel (CNP) who recommended to the Assistant Secretary of the Navy (ASN) that you be administratively separated not with an OTH but rather a general discharge which in effect made you eligible to receive the basic benefits administered by the Department of Veterans Affairs despite your clearly documented misconduct. ASN agreed with CNP and you were separated on 27 July 2000 with a general discharge after having served a little more than two years and two months of your four year obligation.

In its review of your application the Board concluded that in view of the seriousness of your misconduct (drug abuse) your discharge was proper as issued and did not warrant upgrading as a matter of clemency. In this regard the Board would like to point out that Sailors who abuse drugs, even if only once, are routinely issued OTH's. The Board believed you are indeed fortunate to have been issued a general discharge.

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