



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

BJG
Docket No: 7105-10
22 March 2011

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 22 March 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 entered active duty in the Navy on 26 January 1988. You received nonjudicial punishment on three occasions for wrongfully drinking alcoholic beverages under the age of 21, failure to obey a lawful order (three specifications), and wrongful use of cocaine. You were then notified of pending administrative separation processing with an other than honorable (OTH) discharge due to misconduct (drug abuse). You elected to have your case heard by an administrative discharge board (ADB) that found you had committed misconduct (drug

abuse), and recommended an OTH due to misconduct (drug abuse). Your commanding officer concurred with the ADB's finding and recommendation. You received the OTH discharge due to misconduct (drug abuse) on 4 April 1990, and were assigned an RE-4 (not recommended for retention) reenlistment code.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your youth, admitted marijuana abuse, and post service good conduct. However, the Board concluded that your discharge should not be changed due to your acts of misconduct and drug abuse. You are advised that no discharge is upgraded due merely to the passage of time or post service good conduct. In view of the above, 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