



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

TAL  
Docket No: 8491-10  
28 April 2011

[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 27 April 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 13 February 1990 at age 31. On 30 March 1990 you were counseled and warned to refrain from illegal drug and substance abuse after a waiver was granted for your pre-service use of marijuana. On 6 July 1992, you received nonjudicial punishment (NJP) for the wrongful use of cocaine. You were the subject of a medical evaluation during which you stated in part that you used cocaine from once a week to once a month for one and one half years. You were diagnosed as being psychologically dependent. You were notified of pending administrative discharge processing with an other than honorable (OTH) discharge due to misconduct (drug abuse). After consulting with legal counsel, you elected to waive all of your procedural rights, including your right to an administrative discharge board (ADB). On 7 August 1992, the separation authority directed an OTH discharge by reason of misconduct (drug abuse). On 27 August 1992 you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, and overall last record of service. Nevertheless, the Board concluded

these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct. The Board noted you waived the right to an ADB, your best opportunity for retention or a better characterization of service. Finally, no discharge is automatically upgraded due to passage of time or an individual's good behavior after 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