



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

TJR
Docket No: 9835-10
24 June 2011

[REDACTED]

[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 21 June 2011. The names and votes of the members of the panel will be furnished upon request. 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 on 13 July 1987 at age 20. You served for a year without disciplinary infraction, but on 6 June 1988, your urine sample tested positive for cocaine. On 15 August 1988 a drug and alcohol report made note of this misconduct in your record. However, the record does not reflect the disciplinary action taken, if any, for this misconduct.


On 18 August 1980 you were convicted by special court-martial (SPCM) of conspiracy, making a false official statement, and two specifications of theft of government currency in the amount of \$1,080. You were sentenced to confinement at hard labor for 135 days, a \$1,800 forfeiture of pay, reduction to paygrade E-1, and a bad conduct discharge (BCD). Subsequently, the BCD was approved at all levels of review and on 29 March 1990, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your discharge. Nevertheless,

these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your repetitive misconduct. Accordingly, your application has been denied.

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