



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

TJR  
Docket No: 11226-10  
20 October 2010

[REDACTED]

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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 19 October 2010. 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.

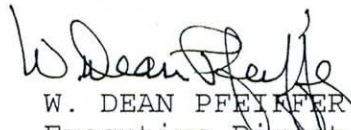
You were commissioned in the Navy on 2 January 2002. On 1 February 2006 you began a period of active duty in the rank of lieutenant. You served without disciplinary incident until 27 March 2008, when you were convicted by general court-martial (GCM) of wrongful use of cocaine and sentenced to dismissal from the Naval Service. After the dismissal was approved at all levels of review, the Assistant Secretary of the Navy, (Manpower and Reserve Affairs), directed the execution of your dismissal, and on 13 January 2010, you were issued a letter of dismissal.

In accordance with the regulations and guidelines for dismissal of officers from the Navy pursuant to the sentence of a GCM, a certificate of discharge reflecting a characterization of service will not be awarded. However, it appears that you were issued a Certificate of Discharge or Release from Active Duty (DD Form 214).

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your period of honorable service, post service conduct, and desire to have your GCM and all references thereto, and the dismissal removed from the record. It also considered your desire to have your service characterized as honorable and the narrative reason for separation to reflect "Secretarial Authority." Nevertheless, the Board concluded these factors were not sufficient to warrant approval of such actions because of the seriousness of your drug related misconduct, which resulted in a GCM and your dismissal. 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