



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD BLDG 12, SUITE 1001
ARLINGTON, VA 22204-2490

JRE

Docket No. 534-13

December 17, 2013

Dear [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 12 December 2013. 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.

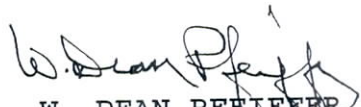
You served on active duty in the Navy from 12 January 1989 to 4 May 1992, when you were discharged by reason of misconduct/drug abuse with a discharge under other than honorable conditions. The discharge was specifically based on your unlawful use of cocaine.

There is no indication in your naval record that you lacked mental responsibility for your actions, or that you were unfit for service by reason of physical disability. You would not have been entitled to disability separation or retirement even if you

had been unfit for duty because your separation by reason of misconduct would have taken precedence over disability evaluation processing. Accordingly, and as you have not demonstrated that it would be in the interest of justice for the Board to upgrade your discharge, 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,

A handwritten signature in dark ink, appearing to read "W. Dean Pfeiffer". The signature is written in a cursive style with some loops and flourishes.

W. DEAN PFEIFFER
Executive Director