



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

TRG
Docket No: 1853-99
25 August 1999

[REDACTED]

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 24 August 1999. 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.

The Board found that you enlisted in the Navy for four years on 18 October 1988 and served without incident until 15 October 1992. You reenlisted in the Navy on 16 October 1992.

On 15 November 1993 you received nonjudicial punishment for two periods of unauthorized absence totaling four days, missing ship's movement and use of cocaine. The punishment imposed included forfeitures of pay and a reduction in rate.

On 17 November 1993 you were notified of separation processing by reason of misconduct due to drug abuse. In connection with this processing you elected to waive your right to have your case heard by an administrative discharge board. Subsequently, the discharge authority approved the recommendation of your commanding officer that you be discharged for misconduct with a discharge under other than honorable conditions. You were so discharged on 25 January 1994.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your prior honorable service and your desire for veterans benefits. The Board found that these factors were not sufficient to warrant

recharacterization of your discharge given your use of drugs and other misconduct. The Board concluded that the discharge was proper as issued and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board believes that you are eligible for veterans benefits based on your honorable service from 18 October 1988 to 15 October 1992. However, the decision to grant benefits is solely a matter within the discretion of the Department of Veterans Affairs (DVA).

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