



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

CRS  
Docket No: 5793-09  
30 March 2010



This is in reference to your application for correction of your naval record dated 1 June 2009, in which you requested correction of your characterization of service and your reentry code. The Board did not consider your request for correction of your reentry code, as that request was previously denied, and you have not submitted any new material evidence concerning that request.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 February 2010. 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.

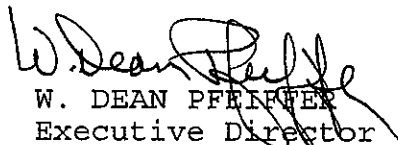
The Board found that you enlisted in the Navy on 24 May 2002. You received nonjudicial punishment on 19 June 2003 for wrongful use of hashish. On 20 June 2003 your commanding officer recommended that you be separated from the Navy with a discharge under other than honorable conditions by reason of misconduct due to drug abuse. When informed of that recommendation, you waived the right to present your case to an administrative discharge board. After review by the discharge authority, the recommendation for separation was approved and on 24 June 2003 you were separated by reason of misconduct with a discharge under other than honorable conditions.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, overall record of service, and good post service conduct, as well as your contention that you did not knowingly smoke hashish. The Board

concluded that those factors are insufficient to warrant the upgrade of your discharge, given the serious nature of the misconduct which resulted in your discharge, and the absence of any evidence which corroborates your contention that you did not commit the charged offense. 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