



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

BJG  
Docket No: 5051-01  
4 January 2002

John

[REDACTED]

De [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. You requested removal of a felony possession and distribution charge. You assert this charge was a mistake.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 3 January 2002. 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. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 22 August 2001, a copy of which is attached.

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. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. They found nothing in your record reflecting that the marijuana distribution offense for which you received nonjudicial punishment was a felony. In view of the above, 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

Enclosure

5051-01



**DEPARTMENT OF THE NAVY**

**NAVY PERSONNEL COMMAND**

**5720 INTEGRITY DRIVE**

**MILLINGTON TN 38055-0000**

5420

PERS-832C

22 Aug 01

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION  
OF NAVAL RECORDS (BCNR)

Via: PERS/BCNR Coordinator (PERS-00ZCB)

Subj: E [REDACTED] USN [REDACTED]

Encl: (1) BCNR File 05051-01  
(2) Petitioner's Microfiche Record

1. The petition and naval records of subject petitioner have been reviewed relative to his request for removal of derogatory material.
2. The review indicates that the petitioner was found guilty at commanding officer's non-judicial punishment for violation of UCMJ Article 112a (2 specifications) of distribution of marijuana among other offenses. He was subsequently processed for administrative separation for misconduct due to a pattern of misconduct, misconduct due to commission of a serious offense, and misconduct due to drug abuse. He elected an administrative board, which found that he committed misconduct due to commission of a serious offense and misconduct due to drug abuse. He was discharged for misconduct due to drug abuse.
3. Documentation supporting that significant event should remain in the record. The maintenance of those documents is essential to depict the petitioner's character and background. A presumption of regularity attaches to official records, and the burden of proof is on the petitioner to show documentary evidence that an error has occurred or an injustice suffered. The petitioner has provided no such evidence. Therefore, favorable action on this petition is not recommended.

[REDACTED]

Technical Advisor to the  
Head, Enlisted Performance  
Branch (PERS-832)