



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

TRG
Docket No: 808-00
5 April 2001

[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 3 April 2001. 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 on 11 July 1983 you were issued a Notification of Eligibility for Retired Pay at Age 60. On 7 April 1984 you reenlisted in the Naval Reserve for six years. The record shows that in 1986 a urinalysis showed that you had used cocaine. On 12 July 1986 you were counseled and warned of the possible adverse consequences of further drug use. On 24 December 1986 the Navy Drug Laboratory reported that another urinalysis had tested positive for use of cocaine.

Based on your drug use, you were processed for an administrative discharge by reason of misconduct. In connection with this processing, you elected to waive your right to have your case heard by an administrative discharge board. However, you requested transfer to the Retired Reserve. Subsequently, your commanding officer recommended that you be transferred to the Retired Reserve in your current pay grade. The discharge authority disagreed with this recommendation and directed an honorable discharge by reason of misconduct. You were so discharged on 19 August 1987. At that time you were credited with 26 years, 2 months and 8 days of qualifying service for reserve retirement.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your many years of good service in the Navy and Naval Reserve. The Board found that these factors were not sufficient to correct the record to show that you transferred to the Retired Reserve vice being discharged. It is clear from the record that you used cocaine, were warned that further use could lead to discharge, and then used cocaine again. The Board was aware that although you have been discharged, you are eligible for retirement pay at age 60 as a former member. The Board concluded that since you were discharged for misconduct a correction of the record to show transfer to the Retired Reserve was not warranted.

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