



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

JRE
Docket No: 7565-02
14 November 2002



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 7 November 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.

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 underwent a pre-enlistment physical examination on 19 July 2000. It does not appear that you disclosed your history of depression and attention deficit disorder, as the report of examination makes no mention of either condition. You were considered not qualified for enlistment because of a positive test for the presence of drug metabolites, and you were discharged from the Delayed Entry Program. You underwent a second test for drugs, which was negative, and you enlisted in the Navy on 31 October 2000. You were found physically qualified for discharge on 19 February 2002. You were discharged under other than honorable conditions by reason of misconduct on 22 February 2002, based on a period of unauthorized absence, and the unlawful use of marijuana.

The Board noted that the available records do not demonstrate that you were unfit for duty because of a disability that was incurred in or aggravated by your brief period of service in the Navy. In addition, as a discharge by reason of misconduct takes precedence over disability evaluation processing, you would not have been entitled to medical separation or retirement even if you had been unfit for duty. As you have not demonstrated that your

discharge by reason of misconduct was erroneous or unjust, the Board was unable to recommend any corrective action in your case. 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