



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

BJG
Docket No: 8713-01
22 February 2002

M [REDACTED] R

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 correction of block 28 ("Narrative Reason for Separation") of your Department of Defense (DD) Form 214 ("Certificate of Release or Discharge from Active Duty"). You assert the entry shown, "Misconduct - Drug Abuse (Use)" is erroneous. You allege that you were held at captain's mast (nonjudicial punishment (NJP)) because of a verbal charge by a seaman recruit (SR) in an attempt to plea bargain; that the SR was later acquitted; that you were screened for drugs with negative results; and that no drugs were ever found in your possession.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 21 February 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. In this connection, the Board found that your naval record shows you received NJP on 29 November 1989 for possession of lysergic acid diethylamide (LSD); that you did not appeal; that you disclosed your use and possession of LSD to a Naval Investigative Service agent; and that you were consequently separated on 14 February 1990 by reason of misconduct due to drug abuse, after having waived your right to an administrative discharge board. They were unable to find any basis to change the reason for separation shown on your DD Form 214. 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