



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

FC
Docket No: 02511-03
29 August 2003

[REDACTED]

[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 27 August 2003. 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 17 July 1991 at age 17. You served well for most of your enlistment as evidenced by your promotion to paygrade E-4 and the award of the Navy and Marine Corps Achievement Medal. However, on 29 March 1995, a Navy drug laboratory advised your commanding officer that you had tested positive for marijuana on a random urinalysis test. On 31 March 1995, you received nonjudicial punishment (NJP) for use of marijuana and were awarded a reduction to paygrade E-3, restriction, and extra duty.

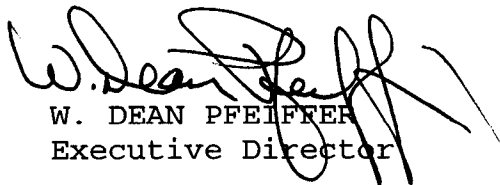
On 17 April 1995, you were notified of administrative separation processing and you elected to appear before an administrative discharge board (ABB). On 30 May 1995, The ADB found that you had committed misconduct due to drug abuse, and recommended a general discharge. On 12 July 1995, the commanding officer concurred with the findings of the ADB. On 13 July 1995, the

separation authority directed a general discharge by reason of misconduct due to drug abuse. On 14 July 1995, you were so discharged.

In its review of your case, the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, your excellent record prior to the NJP, and your post service employment. However, the Board found that these factors were not sufficient to warrant a change in the characterization of service due to your use of drugs that resulted in an NJP and your separation processing. Further, most individuals separated by reason of misconduct are discharged under other than honorable conditions. Therefore, you were fortunate to have received a general discharge. 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