



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

TJR
Docket No: 7781-07
20 August 2008



This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 19 August 2008. 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy 25 April 1989 at age 19. You served without disciplinary incident until 31 July 1989, when you received nonjudicial punishment (NJP) for failure to go to your appointed place of duty and three specifications of failure to obey a lawful order. About three months later, on 20 October 1989, an investigative report stated that you had been apprehended for possession and alleged use of marijuana.

On 7 November 1989 you were notified of pending administrative separation action by reason of misconduct due to drug abuse and commission of a serious offense. After consulting with legal counsel you elected to present your case to an administrative discharge board (ADB). On 30 November 1989 you received NJP for two specifications of wrongful possession and use of marijuana. The punishment imposed was restriction and extra duty for 45 days and a \$698 forfeiture of pay.

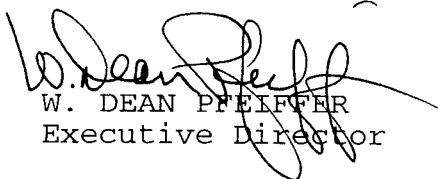
On 1 December 1989 an ADB recommended separation under other than honorable conditions by reason of misconduct due to commission of a serious offense. Subsequently, your commanding officer, in concurrence with the ADB, also recommended separation under other than honorable conditions by reason of misconduct due to commission of a serious offense. On 25 January 1990 the discharge authority approved these recommendations and directed an other than honorable discharge, and on 31 January 1990, you were so separated.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, post service conduct, and the passage of time. It also considered your assertion that an upgrade of your discharge would financially assist you. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive drug related misconduct. 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