



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

TJR
Docket No: 8667-07
27 October 2008

[REDACTED]

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 21 October 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 reenlisted in the Navy on 1 July 1985 after more than four years of prior honorable service. You served for nearly three years without disciplinary incident, but on 1 June and again on 26 August 1988 you received nonjudicial punishment (NJP) for two specifications of wrongful use of Phencyclidine (PCP). On 11 October and 19 December 1988 your urine sample tested positive for cocaine.

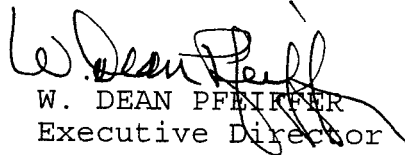
Subsequently, you were notified of pending administrative separation action by reason of misconduct due to drug abuse. After consulting with legal counsel you elected to present your case to an administrative discharge board (ADB). On 19 January 1989 an ADB recommended discharge under other than honorable conditions by reason of misconduct due to drug abuse. On 21 February 1989 your commanding officer also recommended an other than honorable discharge by reason of misconduct due to drug abuse. On 15 March 1989 the discharge authority approved these recommendations, and on 13 May 1989, you were so discharged. At that time you were advised to obtain Level II rehabilitation at your nearest veterans affairs hospital.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your prior honorable service and desire to upgrade your discharge so that you may obtain veterans benefits. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your repetitive drug related misconduct as evidenced by two NJPs and two additional positive urinalysis. 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