



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

SJN
Docket No: 08844-07
22 September 2008

[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 16 September 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 on 28 June 1988 at age 19. On 6 January and 4 April 1989 you received nonjudicial punishment for three instances of absence from your appointed place of duty. On 4 January 1989, you were convicted by civil authorities of driving under the influence of alcohol.

You served without incident for over two years until 26 August 1991, when you referred yourself to the command's Counseling and Assistance Center (CAAC) for the use of cocaine. It was found that you were psychologically and physically dependent on cocaine.

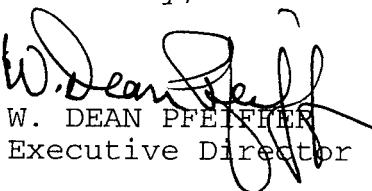
On 12 September 1991, administrative discharge action was initiated to separate you by reason of misconduct due to drug abuse. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB).

Your commanding officer forwarded his recommendation that you be discharged under honorable conditions by reason of misconduct due to drug abuse. However, on 4 November 1991, the separation authority directed that you be separated with a discharge warranted by your service record. On 21 November 1991, you were honorably discharged, and assigned an RE-4 reenlistment code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, overall record of service, and the fact that you referred yourself to the CAAC to get help with your drug use. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in the reenlistment code, which was based on your disciplinary record and substandard behavior. In this regard, an RE-4 reenlistment code is required when an individual is separated due to misconduct and is not recommended for retention. 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