



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

SJN
Docket No: 09262-07
6 November 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 4 November 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 30 December 1986 after six years of honorable service. On 15 March 1988, you received nonjudicial punishment (NJP) for a brief unauthorized absence and wrongful use of cocaine.

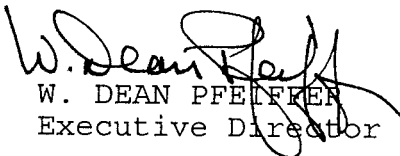
On 27 April 1988, administrative discharge action was initiated to separate you by reason of misconduct due to drug abuse. You elected to consult with legal counsel and requested an administrative discharge board (ADB).

On 20 May 1988, an ADB, unanimously found that you had committed misconduct due to drug abuse, and recommended discharge under other than honorable conditions. Subsequently, your commanding officer concurred with the ADB and forwarded your case to the discharge authority for review. On 14 July 1988, the discharge authority directed an other than honorable discharge by reason of misconduct. On 29 August 1988 you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your prior honorable service, and overall record of your last period of service. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your NJP for drug use. 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