



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

RDZ:ecb  
Docket No. 09536-07  
11 August 2008



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 5 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 2 April 1990 at age 23. Two days later you received a retention warning when Navy authorities discovered that you failed to disclose the fact that you had used cocaine before enlisting. On 5 June 1990 you received nonjudicial punishment (NJP) for being absent from your appointed place of duty and destruction of your recruit card. You received your second NJP on 14 August 1991 for dereliction of duty and unlawfully drinking alcohol while on duty. Less than a month later, while receiving level III treatment for alcohol abuse, you tested positive for cocaine and were dropped

from the program. On 11 September 1991 you received your final NJP for unauthorized absence and using cocaine.

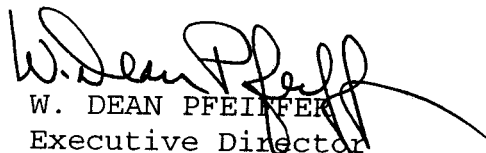
Based on your disciplinary record your commanding officer recommended that you be separated under other than conditions (OTH). When you were informed of this recommendation you waived your right to a hearing where you would be represented by a military lawyer and agreed to accept an OTH discharge. You were so discharged on 18 October 1991.

The Board concluded that in view of the frequency of your misconduct and having committed the serious offense of illegal drug usage you were properly separated with an OTH discharge and it should not be changed now as a matter of clemency. The Board also concluded that narrative reason for your discharge is accurate and the assignment of an RE-4 reenlistment code was properly assigned because you were separated for 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