



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

JRE
Docket No. 01002-08
2 March 2009



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 26 February 2009. 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.

The Board found that you enlisted in the Navy on 21 March 2006. It appears that your enlistment was fraudulent, in that you procured it by concealing your history of alcohol and poly-drug abuse. You were discharged from the Navy on 24 August 2007 by reason of misconduct/drug abuse.

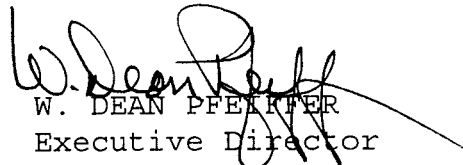
The Board could not find any indication in the available records that you were unfit for duty by reason of physical disability that was incurred in or aggravated by your brief period of naval

service. It noted that you would not have been entitled to disability separation or retirement in any case, because the administrative separation processing that resulted in your discharge by reason of misconduct would have taken precedence over disability evaluation processing. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board did not consider your request for upgrade of your discharge because you have not exhausted an available administrative remedy by applying to the Naval Discharge Review Board (NDRB). Enclosed is DD Form 293, Application for Review of Discharge or Dismissal from the Armed Forces of the United States, which you may complete and submit to the NDRB.

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

Enclosure