



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

RDZ:ecb
Docket No. 02678-08
17 April 2009

[REDACTED]

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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 15 April 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.

Your record shows that on 30 May 1989 during a pre-enlistment physical you admitted to using marijuana on five occasions. After the Navy's zero tolerance drug policy was fully explained to you, you assured Navy officials that you would not engage in such behavior in the future. Based on your assurances you were allowed to enlist in the Navy on 5 July 1989 for a term of four years. Unfortunately you only served a little over two years and seven months and were discharged because of frequent acts of misconduct and drug abuse. Specifically between October 1980 and December you received nonjudicial punishment on five

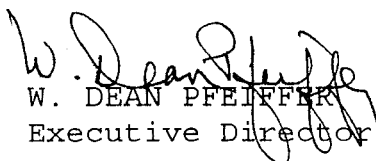
occasions. Your offenses were assault, underage drinking, destruction of property, soliciting another to make a false official statement, two periods of unauthorized absence totaling two days, absence from appointed place of duty, wrongfully bringing marijuana aboard a Navy vessel and wrongfully using cocaine and marijuana. When you were informed that you were being recommended for an other than honorable discharge (OTH) you waived your right to a hearing where with the assistance of a military lawyer you could have requested retention or a better discharge. Consequently you received an OTH on 10 February 1992.

In its review of your application the Board concluded that in view of your extensive disciplinary record which occurred over a relatively short period of time and included several serious drug offenses your discharge was proper as issued and should not be changed now as a matter of clemency.

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