



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

TRG
Docket No: 3889-08
27 August 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 19 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 5 March 1986 for four years. On 24 October 1988 you received nonjudicial punishment for use of a controlled substance. Based on this offense you were processed for an administrative discharge. In connection with this processing you elected to waive the right to have your case heard by an administrative discharge board. After review the separation authority directed discharge under other than honorable conditions and you were so discharged on 20 January 1989.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your period of good service and your contention that you were never offered drug counseling or rehabilitation. The Board found that these factors and contention were not sufficient to warrant recharacterization of your discharge given your use of drugs. Regulations in effect at the time of your discharge and in effect now require discharge processing of service members found to have used drugs. Further, the record shows that you were evaluated prior to discharge and found not to be drug dependent. The Board concluded that the discharge was proper as issued and no change is warranted. 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