



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

RDZ:ecb
Docket No. 04487-08
25 February 2009

[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 24 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.

You entered on active duty in the Navy on 26 May 1983 at age 18. Your record shows that on the following day you received a full and complete briefing on the Navy's zero tolerance drug policy. Unfortunately you failed to heed the Navy's explicit warning that drug usage would not be tolerated. Specifically, you received nonjudicial punishment on 16 May 1985 for possession of marijuana. Less than seven months later you received another NJP for possession of marijuana and drug paraphernalia. Based on these two incidents you were informed that you were being recommended for administrative separation with an other than

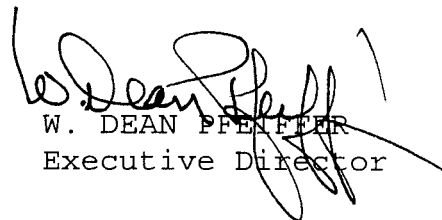
honorable discharge (OTH) due to drug abuse. You then waived you right to a hearing where with the assistance of a military lawyer you could have argued for retention or a better discharge than an OTH. Consequently you received an OTH 27 December 1985.

In view of the seriousness of your misconduct which occurred on two separate occasions and after being formally warned several times of the Navy's drug policy, the Board concluded that 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 PFENFFER
Executive Director

Enclosure