



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

TJR  
Docket No: 8042-08  
24 June 2009

[REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 17 June 2009. The names and votes of the members of the panel will be furnished upon request. 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 19 October 1990 at age 23 and served for two years and four months without disciplinary infraction, but on 3 February 1993, your urine sample tested positive for cocaine. On 25 February 1993 you received nonjudicial punishment (NJP) for failure to go to your appointed place of duty. Shortly thereafter, on 8 March 1993, you received NJP for failure to go to your appointed place of duty and failure to obey a lawful order. On 12 March 1993 your urine sample again tested positive for cocaine.


Subsequently, on 30 March 1993, you were notified of pending administrative separation action by reason of misconduct due to commission of a serious offense and drug abuse. After consulting with legal counsel you elected to present your case to an administrative discharge board (ADB). On 17 May 1993 an ADB recommended discharge under other than honorable conditions by reason of misconduct due to drug abuse. On 25 May 1993 your commanding officer also recommended an other than honorable discharge by reason of misconduct due to drug abuse.

On 2 June 1993 you received your third NJP for a two day period of unauthorized absence (UA) and were awarded a \$172.37 forfeiture of pay, reduction to paygrade E-1, and restriction for 60 days. Subsequently, the discharge authority approved the foregoing recommendations, and on 3 June 1993, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your post service conduct and desire to upgrade your discharge. It further considered your assertions of racial discrimination, the stressors of war, instability due to alcohol and drug use, and lack of physical and mental health assistance. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct which resulted in three NJPs and included drug abuse. Accordingly, your application has been denied.

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