



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

TJR  
Docket No: 8822-08  
14 July 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 7 July 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 16 June 1987 at age 21 and began a period of active duty on 13 August 1987. You served without disciplinary infraction until 3 April 1989, when your urine sample tested positive for cocaine. Shortly thereafter, on 6 April 1989, you received nonjudicial punishment (NJP) for unspecified charges. On 2 May 1989 you received your second NJP for wrongful use of cocaine and were awarded restriction and extra duty for 45 days, a \$782 forfeiture of pay, and reduction to paygrade E-3.

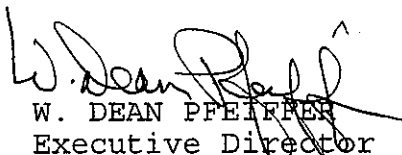
On 4 May 1989 you were referred for a medical evaluation for cocaine use. You denied using cocaine, but stated that you were being investigated for possession of marijuana. You also stated that you consumed alcoholic beverages, but did not have an alcohol problem and did not need treatment.

Subsequently, you were processed for an administrative separation by reason of misconduct due to drug abuse. On 18 May 1989 the discharge authority directed your commanding officer to issue you an other than honorable discharge by reason of misconduct due to drug abuse and on 25 May 1989 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as youth, the passage of time, and your desire to upgrade your discharge. It also considered your assertion that under current standards, your characterization of service would be different. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your other than honorable discharge because of the seriousness of your repetitive drug related misconduct. Further, the Board presumed that you were given an opportunity to defend yourself, but waived your procedural right to present your case to an ADB. Finally, there is no evidence in the record, and you submitted none, to support your assertion, and no discharge is upgraded due solely to the passage of time. 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