



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

RDZ:ecb  
Docket No. 09011-08  
25 February 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 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 served on active duty in the Navy from 23 November 1987 until 14 November 1991 when you were honorably discharged. You reenlisted on 15 November 1991 for four years. Your age at the time of reenlistment was 29. Although you were thoroughly familiar with the Navy's long standing zero tolerance drug policy you received nonjudicial punishment on 22 September 1994 for wrongful use of drugs. When you were informed that you were being recommended for administrative separation with an other than honorable discharge (OTH) due to drug abuse you waived your right to a hearing where with the assistance of a military

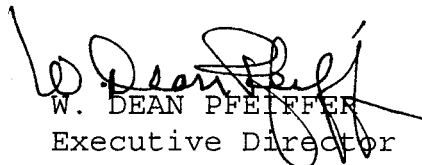
lawyer you could have argued for retention or a better discharge than the OTH. On 21 November 1994 you received your OTH.

In view of the seriousness of your misconduct which occurred after you were fully informed of the Navy's drug policy, as well as your willingness to accept an OTH as evidenced by your waiver to a hearing, 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 PFEIFFER  
Executive Director

Enclosure