



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

TRG
Docket No: 10881-08
22 January 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 13 January 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 enlisted in the Navy on 11 March 1991 at age 18. Seven days later, you signed a service record entry acknowledging that you were being retained in the naval service in spite of your fraudulent entry as evidenced by your failure to disclose your preservice involvement with drugs. At that time, you were counseled on the consequences of further misconduct. You subsequently completed initial training. On 23 November 1992 you received nonjudicial punishment for use of a controlled substance. The punishment imposed included restriction, extra duty, forfeitures of pay and reduction in rate.

Subsequently, you were processed for an administrative discharge by reason of misconduct due to drug abuse. At that time, 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 11 January 1993.


In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, claim of a good post service adjustment and desire for a better discharge so that you can get a mortgage loan from the Department of Veterans Affairs. The Board found that these factors were not sufficient

to warrant recharacterization of your discharge given your record of drug abuse. It is clear that after the counseling entry you were on notice that drug use would not be tolerated but you used drugs anyway. Given the circumstances, 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