



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

TJR  
Docket No: 3176-09  
8 March 2010

[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 2 March 2010. 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 15 March 1991 at age 18 and began a period of active duty on 16 July 1991. You continued to serve without disciplinary incident until 1 March 1993, when you received nonjudicial punishment (NJP) for wrongful possession of alcoholic beverages while underage. The punishment imposed was restriction and extra duty for 15 days and a \$150 forfeiture of pay.


On 9 December 1993 you self-referred for wrongful use of marijuana. Subsequently, on 14 February 1994, you were notified of pending administrative separation action by reason of misconduct due to drug abuse. At that time you waived your right to consult with legal counsel and to present your case to an administrative discharge board (ADB). Your commanding officer recommended you receive a discharge with the characterization of service warranted by your record of performance. Your commanding

officer further recommended discharge by reason of misconduct due to drug abuse. In February 1994 the discharge authority approved your discharge and directed your commanding officer to issue an honorable discharge by reason of misconduct due to drug abuse, and on 17 February 1994, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to change your narrative reason for separation. It also considered your letter of explanation regarding your discharge and the letter from your mental health specialist provided in support of your case. Nevertheless, the Board concluded these factors were not sufficient to warrant a change of your narrative reason for separation because of the seriousness of your drug and alcohol-related misconduct. Finally, you were given an opportunity to defend yourself, but waived your procedural right to present your case to an ADB. 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 PREKFER  
Executive Director