



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

TAL  
Docket No: 3654-09  
12 February 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 27 January 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.

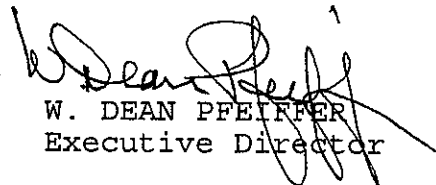
You reenlisted in the Navy on 21 November 1997 after nearly 15 years of prior honorable service. You continued to serve without disciplinary incident until 8 April 1999, when you received nonjudicial punishment (NJP) for dereliction of duty. About four months later, on 2 August 1999, you received NJP for wrongful use and possession of marijuana. On 29 September 1999 you were notified of pending administrative separation action by reason of misconduct due to drug abuse and a pattern of misconduct. After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). On 14 October 1999 an ADB recommended discharge under other than honorable conditions by reason of misconduct due to drug abuse and a pattern of misconduct. However, by a vote of two to one, the ADB recommended that the discharge be suspended for 12 months. On 5 November 1995 your commanding officer, in partial concurrence with the ADB, also recommended discharge under other than honorable conditions by reason of misconduct due to drug abuse and a pattern of misconduct. However, your commanding officer recommended an immediate administrative separation because of

your disregard for the Navy's policy of "zero tolerance" for drugs. On 13 December 1999 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 23 December 1999, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as prior honorable service and your desire to upgrade your discharge. It also considered your assertion that your discharge was inequitable because it was based on a few isolated incidents. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your drug-related misconduct and blatant disregard for the Navy's policies and regulations regarding 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