



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

TJR  
Docket No: 3982-09  
26 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 23 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 23 July 1990 at age 18 and served without disciplinary incident until 24 July 1992, when you received nonjudicial punishment (NJP) for disrespect, disobedience, and wrongful use of marijuana. The punishment imposed was restriction and extra duty for 45 days, a \$780 forfeiture of pay, and reduction to paygrade E-1.


On 28 July 1992 you were notified of pending administrative separation action by reason of misconduct due to drug abuse and commission of a serious offense. At that time you waived your right to consult with legal counsel and to present your case to an administrative discharge board (ADB). On 14 August 1992 your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to drug abuse and commission of a serious offense as evidenced by your disregard for the Navy's policy of "zero tolerance" for drug

abuse. On 25 August 1992 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 3 September 1992, 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 upgrade your discharge. It also considered the character reference letters submitted in support of your case. 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