



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

TAL
Docket No: 6055-09
29 April 2010



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 21 April 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 and began a period of active duty on 8 January 1986 at age 20. On 20 October 1986 you received nonjudicial punishment (NJP) for unauthorized absence (UA) from your unit and failure to obey a lawful written regulation. On 29 February 1988, you received NJP for wrongful use of cocaine. On 29 March 1988, you were notified of pending administrative separation action by reason of misconduct due to drug abuse. After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). On 29 March 1988 the ADB voted unanimously that you were guilty of misconduct due to drug abuse and recommended by two to one that you be retained in the naval service. On 12 April 1988 your commanding officer recommended discharge under other than honorable (OTH) conditions by reason of misconduct due to drug abuse. On 7 July 1988 the discharge authority directed your commanding officer to issue you an OTH discharge by reason of misconduct due to drug abuse, and on 20 July 1988, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as youth and overall record of service. It also considered your assertion that your discharge was inequitable because it was based on one isolated incident. 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. 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