



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

TAL  
Docket No: 828-10  
26 October 2010

[REDACTED]

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 20 October 2010. 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 13 June 1986 after more than two years of prior honorable service. On 18 March 1993, you received nonjudicial punishment (NJP) for unauthorized absence (UA) from your appointed place of duty. You were found to be alcohol dependent and were screened and referred to Level II alcohol rehabilitation treatment. You were counseled regarding your misconduct and warned that further offenses could result in administrative separation. On 6 September 1994, you received NJP for wrongful use of marijuana. You were notified of pending administrative discharge processing with an other than honorable (OTH) discharge due to misconduct (drug abuse). You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). On 8 December 1994, you received the OTH discharge for misconduct (drug abuse), and were assigned an RE-4 reenlistment code.


The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, overall record of service, and prior honorable service. Nevertheless,

the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct. Finally, the Board noted that you waived your right to an ADB, your best opportunity for retention or a better characterization of service. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board believes that you may be eligible for veterans' benefits which accrued during your prior period of honorable service. However, your eligibility is a matter under the jurisdiction of the Department of Veterans Affairs (DVA). In this regard, you should contact the nearest DVA office concerning your rights, specifically, whether or not you are eligible for benefits based on this period of service.

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