



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

TJR  
Docket No: 733-11  
21 October 2011

[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 18 October 2011. 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.

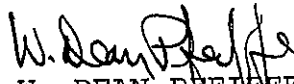
You reenlisted in the Navy Reserve on 10 January 2007 after nearly nine years of prior honorable service. You continued to serve without disciplinary incident until 2 July 2008, when you received nonjudicial punishment (NJP) for wrongful use of amphetamines. The punishment imposed was reduction to paygrade E-4, restriction for 60 days, and a \$2,135.10 forfeiture of pay.

Subsequently, you were administratively processed for separation by reason of misconduct due to drug abuse. The discharge authority directed separation under other than honorable conditions and on 23 July 2008, while serving in paygrade E-4, you were so discharged. At that time you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

The Board, in its review of your entire record, to include the Naval Discharge Review Board decisional document, and application, carefully considered all mitigating factors, such as your prior satisfactory service, post service conduct, and desire to upgrade your discharge. It also considered the statements and evidence provided in support of your case. Nevertheless, the Board concluded the evidence and materials submitted were not sufficient to warrant any favorable action given the seriousness of your drug related misconduct which was contrary to the Navy's "zero tolerance" policy regarding drug use. 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