



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

TAL
Docket No: 2613-11
9 December 2011

[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 7 December 2011. 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 5 December 1985 after more than four years of prior honorable service. On 31 December 1986, you were convicted by summary court-martial (SCM) of wrongful use of cocaine and disobeying a lawful order. You were notified of administrative discharge processing due to misconduct (drug abuse). You elected to have your case heard by an administrative discharge board (ADB). On 13 August 1987, an ADB unanimously found that you had committed misconduct and recommended that you be retained. On 18 November 1987, the separation authority approved the recommendation and you were retained in the naval service. On 7 November 1989, you received nonjudicial punishment (NJP) for wrongful use of cocaine. You were again notified of pending administrative discharge processing with an other than honorable (OTH) discharge due to misconduct (drug abuse). You waived all of your procedural rights, including your right to an ADB. On 5 February 1990, you received the OTH discharge for misconduct (drug abuse).

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

factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct that resulted in a SCM, NJP and repeated drug use. The Board noted you waived the right to a second 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.

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