



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

SJN

Docket No: 03137-11  
17 January 2012

[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 12 January 2012. 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.

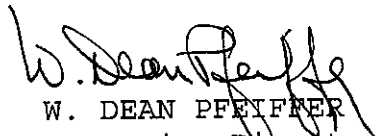
You enlisted in the Navy and began active duty on 24 February 1989. On 28 February 1989, you were briefed on the Navy's zero tolerance drug policy. On 11 August 1989 and 11 January 1990, you received nonjudicial punishment (NJP) for fighting and wrongful use of cocaine. Subsequently, administrative discharge action was initiated by reason of misconduct due to drug abuse. You elected to consult counsel and have your case heard before an administrative discharge board (ADB). On 21 February 1990, the ADB recommended separation with an other than honorable (OTH) discharge by reason of misconduct due to drug abuse. Further it recommended that your OTH discharge be suspended for a period of 12 months. On 5 March 1990, your commanding officer forwarded your case to the separation authority. He concurred with the ADB's findings and recommendation that you be discharged, but did not concur with suspending your OTH discharge for 12 months. He recommended that you be immediately

discharged from the Navy. On 18 April 1990, the separation authority directed an OTH discharge by reason of misconduct due to drug abuse. You were discharged on 2 May 1990.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your two NJP's, one of which was for wrongful use of cocaine, and the fact that you were well aware of the Navy's policy toward drug usage. 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