



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

TJR
Docket No: 11-01
25 June 2001



Dear [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 12 June 2001. 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.

The Board found you reenlisted in the Navy on 23 March 1983 after four years of prior honorable service. Your record reflects that you continued to serve without disciplinary incident until 19 October 1984 when you received nonjudicial punishment (NJP) for dereliction in the performance of your duties and wrongful use of marijuana. The punishment imposed was a \$500 forfeiture of pay, reduction in rate, and extra duty and restriction for 30 days.

Your record further reflects that on 3 July 1985 you received NJP for wrongful use of marijuana and were awarded a \$200 forfeiture of pay, reduction to paygrade E-2, and restriction and extra duty for 45 days. Shortly thereafter, on 16 August 1985, you received NJP for disobedience and were awarded a \$100 forfeiture of pay, reduction to paygrade E-1, and extra duty and restriction for 30 days.

Subsequently, you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct and drug abuse. At this time you waived your rights

to consult with legal counsel, present your case to an administrative discharge board, or to submit a statement in rebuttal to the discharge. On 28 August 1985 your commanding officer recommended you be issued an other than honorable discharge by reason of misconduct due to a pattern of misconduct and drug abuse. On 4 September 1985 the discharge authority directed an other than honorable discharge by reason of misconduct, and on 13 September 1985 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your prior honorable service and your contentions that you did not receive treatment for your drug abuse and honorably completed your term of service. However, the Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge because of the serious nature of your repetitive misconduct. Also, there is no evidence in your record, and you submitted none, to support your contentions. Further, in 1980, you received counselling and treatment at a Navy Counselling and Assistance Center when you applied for a drug extension. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. 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