



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

TJR  
Docket No: 898-01  
18 July 2001

[REDACTED]

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 10 July 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 enlisted in the Navy on 30 May 1980 at the age of 18. Your record reflects that you served for nearly a year without disciplinary infractions, but on 29 May 1981 you received nonjudicial punishment (NJP) for larceny. The punishment imposed was a \$400 forfeiture of pay, restriction for 60 days, and a reduction in rate.

On 13 January and again on 23 March 1982 you received NJP for a 13 day period of unauthorized absence (UA), wrongful use of marijuana, and absence from your appointed place of duty.

Your record further reflects that on 12 May 1983 you received NJP for wrongful use of marijuana. The punishment imposed was restriction and extra duty for 45 days, a \$704 forfeiture of pay, and reduction to paygrade E-2. Shortly thereafter, on 17 May 1983, you were notified of pending administrative separation action by reason of misconduct due to drug abuse. After consulting with legal counsel you elected to present your case to an administrative discharge board (ADB). On 3 June 1983 an ADB recommended you be issued a general discharge by reason of

misconduct due to drug abuse. However, on 17 June 1983, your commanding officer recommended you be issued an other than honorable discharge by reason of misconduct due to drug abuse and in accordance with the Navy's zero tolerance policy for drug use. Subsequently, the discharge authority directed a general discharge by reason of misconduct due to drug abuse, and on 19 July 1983 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that because you were proficient as an engineer you should have received a fully honorable discharge. 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 drug related misconduct. Further, individuals discharged by reason of misconduct normally receive discharges under other than honorable conditions. Accordingly, you were fortunate to receive a general discharge. 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