



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 2085-00

28 August 2000

[REDACTED]
W [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 22 August 2000. 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 28 June 1982 at the age of 18. Your record reflects that on 11 March 1983 you received nonjudicial punishment (NJP) for two incidents of failure to obey a lawful order and drunk and disorderly conduct/fighting. The punishment imposed was restriction and extra duty for seven days and a \$100 forfeiture of pay, which was suspended for 90 days. On 7 July 1983 you were convicted by summary court-martial (SCM) of wrongful possession and use of marijuana. You were sentenced to a \$378 forfeiture of pay, restriction for 60 days, and reduction to paygrade E-1.

Your record further reflects that on 24 March 1984 you received NJP for wrongful use of a controlled substance. The punishment imposed was a \$200 forfeiture of pay, a reduction in rate. On 1 October 1984 you again received NJP for a five day period of unauthorized absence (UA) and absence from your appointed place of duty. The punishment imposed was restriction and extra duty for 14 days and a \$139 forfeiture of pay. Subsequently, you were processed for an administrative separation by reason of misconduct due to drug abuse. Your commanding officer

recommended you be issued an other than honorable discharge by reason of misconduct. The discharge authority approved this recommendation and directed your commanding officer to issue you an other than honorable discharge by reason of misconduct. On 9 November 1984 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, good post service record, and your contention that you would like your discharge upgraded. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the serious nature of your frequent misconduct, which included two disciplinary actions for drug abuse. 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