



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

TJR  
Docket No: 2517-01  
28 June 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 26 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 enlisted in the Navy on 25 January 1983 at the age of 19. Your record reflects that you served for a year and four months without disciplinary incident but on 26 April 1984 you received nonjudicial punishment (NJP) for wrongful use of marijuana and were awarded restriction and extra duty for 11 days and a reduction in rate.

Subsequently, you were informed that you would be retained in the Navy, but were warned that further misconduct could result in an administrative separation. You were also recommended for drug abuse rehabilitation treatment. On 1 June 1984 you were assigned to a substance abuse rehabilitation program which you successfully completed on 18 October 1984. However, on 9 May 1985, you were recommended for further participation in a drug abuse treatment program due to your continued use of marijuana.

On 1 July 1985 you received NJP for two incidents of wrongful use of marijuana. The punishment imposed was a \$600 forfeiture of pay, restriction and extra duty for 25 days, and a reduction in rate. Shortly thereafter, on 23 July 1985, 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 22 August 1985 an ADB recommended an other than honorable discharge by reason of misconduct due to drug abuse. On 17 September 1985 you received NJP for a day of unauthorized absence (UA). The punishment imposed was a reduction in rate, a \$347 forfeiture of pay, and restriction and extra duty for 45 days. On 20 September 1985 the commanding officer also recommended an other than honorable discharge by reason of misconduct due to drug abuse. Subsequently, the discharge authority directed an other than honorable discharge by reason of misconduct due to drug abuse, and on 9 October 1985 you were so discharged.

The Board, in its review of your application and your entire record, carefully weighed all potentially mitigating factors, such as youth and immaturity, and your contention that you do not smoke marijuana. The Board further considered the letter from the American Legion in support of your case. However, the Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge, a change in the narrative reason for separation, or removal of the NJPs from your record because of the serious nature of your repetitive drug related misconduct, which resulted in three disciplinary actions in less than three years of service. Given all the circumstances of your case, the Board concluded your discharge and narrative reason for separation were proper as issued and no change is warranted. Further, the Board noted that you have not submitted any evidence to support the contention that the NJPs should be removed from your record. 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