



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

TJR  
Docket No: 4252-01  
23 November 2001

[REDACTED]

[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 20 November 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 27 May 1981 at the age of 19.

Your record reflects that on 1 October 1981 you were notified of pending administrative separation by reason of unsuitability due to personal drug abuse. At that time you waived your rights to consult with counsel and to present a statement in rebuttal to the discharge. On 5 October 1981 your commanding officer recommended you be administratively separated by reason of unsuitability due to personal abuse of drugs other than alcohol. On 29 October 1981 you received nonjudicial punishment (NJP) for two periods of absence from your appointed place of duty, wrongful possession of two identification cards, and two specifications of assault. The punishment imposed was a \$300 forfeiture of pay. On 10 November 1981 the discharge authority disapproved the foregoing recommendation for separation and you were advised that any further misconduct would result in a discharge under other than honorable conditions.

Your record also reflects that on 13 March 1982 you received NJP for two periods of absence from your appointed place of duty and were awarded restriction and extra duty for 10 days and a \$309 forfeiture of pay. Shortly thereafter, on 1 April 1982, you received NJP for failure to obey a lawful order and possession of marijuana. The punishment imposed was restriction and extra duty for 45 days, reduction to paygrade E-1, and a \$550 forfeiture of pay. On 24 September 1982 you received NJP for an 11 day period of unauthorized absence (UA) and were awarded restriction and extra duty for 30 days and a \$100 forfeiture of pay. On 15 October 1982 you received NJP for failure to obey a lawful order and possession of marijuana. The punishment imposed was restriction and extra duty for 45 days and a \$200 forfeiture of pay.

On 6 April 1983 you received your sixth NJP for three periods of UA totalling 27 days, failure to obey a lawful order, and missing the movement of your ship. The punishment imposed was extra duty and restriction for 33 days and a \$572 forfeiture of pay. On 21 April 1983 you were notified of pending administrative separation action by reason of misconduct due to drug abuse. After consulting with legal counsel you submitted a written statement objecting to the separation and providing explanations for your misconduct. You also stated that you were not a drug abuser, and that you were wrongfully accused of possession and use of marijuana during two of the captain's masts.

On 30 April 1983 your commanding officer recommended you be discharged under other than honorable conditions by reason of misconduct due to drug abuse. Subsequently, the discharge authority directed an other than honorable discharge by reason of misconduct, and on 23 May 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 post service conduct. However, the Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge because of the serious nature of your frequent disciplinary infractions, especially your repetitive drug related misconduct, which resulted in six NJPs. 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