



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

TJR
Docket No: 4300-01
23 November 2001

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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 28 September 1981 at the age of 18. Your record reflects that you served for two years and six months without disciplinary action but on 7 March 1984 you received nonjudicial punishment (NJP) for wrongful use of marijuana and were awarded a \$732 forfeiture of pay, reduction to paygrade E-2, and restriction and extra duty for 45 days. Shortly thereafter, on 25 May 1984, you were convicted by summary court-martial (SCM) of two periods of absence from your appointed place of duty, larceny, and wrongful possession of marijuana. You were sentenced to a \$398 forfeiture of pay, confinement for 30 days, and a reduction to paygrade E-1.

On 18 June 1984 you were notified of pending administrative separation action by reason of misconduct due to drug abuse. After consulting with legal counsel you waived your right to present your case to an administrative discharge board. On 22 June 1984 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 12 July 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, post service conduct, and your letter regarding your transitional treatment program and the veterans upward bound program. 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 you repetitive drug related misconduct, which resulted in NJP and a court-martial conviction. 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