



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

TRG
Docket No: 5448-01
6 December 2001

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10 of the 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 4 December 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 1 March 1982 at age 19. At the time of your enlistment you admitted two preservice convictions for marijuana possession. In addition, you acknowledged the Navy's policy concerning drug abuse. Subsequently, you tested positive on an accession urinalysis. On 2 May 1982 you acknowledged that you had been granted a drug waiver and were informed that further drug abuse could result in disciplinary action or processing for an administrative discharge.

On 6 May 1983 you received nonjudicial punishment for use of a controlled substance on two occasions and an absence from your appointed place of duty. The punishment imposed included forfeitures of pay and a reduction in rate from MMFA (E-2) to MMFR (E-1). You were then processed for an administrative discharge. In connection with this processing you were diagnosed as being psychologically dependent on marijuana. An administrative discharge board (ADB) met on 3 June 1983 and found that you had committed misconduct due to drug abuse and recommended discharge under other than honorable conditions. Two members of the ADB recommended that the discharge be suspended for a probationary period of 12 months. On 22 July 1983 you

nonjudicial punishment for an unauthorized absence of about four hours and three instances of disobedience. The punishment included forfeitures of pay. In addition there are 12 other short periods of unauthorized absence for which there is no disciplinary action in the record. On 29 July 1983 your request for administrative leave was approved. After review, the discharge authority directed discharge under other than honorable conditions and directed that you be offered treatment for your drug dependence prior to discharge. There is no further documentation in the record. You were discharged under other than honorable conditions on 11 August 1983.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and the contention that you have overcome your drug abuse problem and been a good citizen for many years. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your repeated instances of drug abuse, and especially your drug use after you were warned of the consequences of such use. Although there is no documentation in the record concerning a waiver of treatment for your drug dependence, the Board noted that you requested immediate administrative leave without waiting for the discharge authority to act. Therefore, the Board assumed that you did not desire treatment for your drug dependence. The Board concluded that the 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