



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

TRG  
Docket No: 8609-00  
9 May 2001



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 8 May 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.

The Board found that you enlisted in the Navy on 27 December 1982 at age 18. You satisfactorily completed initial training and on 2 April 1984 you reported to your first duty station. Subsequently, you reported to your superiors that you had used marijuana while on leave, and the urinalysis of 4 April 1984 would test positive. However, on 18 April 1984, a Navy drug laboratory reported that your urine sample had tested negative for use of drugs. You received nonjudicial punishment on 19 April 1984 for use of marijuana. The punishment imposed included forfeitures of pay and a reduction in rate from STS3 (E-4) to STSSN (E-3).

A substance abuse report, dated 19 April 1984, stated that you received nonjudicial punishment based on your statement that you had used marijuana. The report also stated, in part, as follows:

...(He) strongly desires to leave Naval service and has repeatedly stated that he will abuse controlled substances and/or take any action necessary to terminate his enlistment. ...

On 19 April 1984 you were notified of discharge processing by

reason of misconduct due to drug abuse. In connection with this processing, you elected to waive your right to have your case heard by an administrative discharge board. On 22 April 1984 the discharge authority approved the recommendation of your commanding officer that you be discharged for misconduct with a discharge under other than honorable conditions. You were so discharged on 1 May 1984.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and desire to be employed by the Postal Service. The Board found that these factors were not sufficient to warrant recharacterization of your discharge given your admission of drug abuse and your assertion that you would continue to use drugs until you were discharged. 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