



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

TRG
Docket No: 1872-02
10 July 2002

[REDACTED]

[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 9 July 2002. 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 1983 for four years at age 21. On 7 November 1984 you received nonjudicial punishment for wrongful use of marijuana. Subsequently, you were counseled and warned of the possible adverse consequences of further drug abuse. On 28 November 1986, you received another nonjudicial punishment for use of marijuana.

On 7 January 1987, you were notified of discharge processing by reason of misconduct due to drug abuse. Subsequently, an administrative discharge (ADB) found that you had committed misconduct due to drug abuse and recommended discharge under other than honorable conditions. On 5 February 1987, the commanding officer agreed with the recommendation of the ADB and stated as follows:

.... Request expeditious processing for this case due to (his) imminent end of active obligated service. Processing was unavoidably delayed in this case due to (his) hospitalization and convalescent leave from 16 January to 2 February 1987 due to bacterial meningitis.

On 24 February 1987 the discharge authority approved the

recommendation of the commanding officer and directed discharge under other than honorable conditions. Subsequently, you were extended in the Navy, past the expiration of your enlistment on 1 March 1987 to receive treatment for drug dependency. You were discharged under other than honorable conditions on 19 April 1987.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your periods of good service. The Board found that these factors were not sufficient to warrant recharacterization of your discharge given your two incidents of drug abuse and especially the fact that you were warned of the possible adverse consequences of further drug abuse but committed an additional drug related offense. 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