



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

WMP
Docket No: 4644-02
26 November 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 20 November 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.

The Board found that you enlisted in the Navy on 19 April 1982 for four years at age 18. You served without incident until 18 March 1983, when you received nonjudicial punishment (NJP) for two instances of destruction of government property, assault, and urinating in a shower. The punishment imposed was 21 days of extra duty. On 1 April 1983 you received NJP for failure to be at your appointed place of duty and disobedience of a petty officer. The punishment imposed was reduction to paygrade E-1 and 45 days of restriction and extra duty. Your record further shows that on 31 May 1983 your designation as a disbursing clerk (DK) was removed due to incompetency.

On 24 April 1984, you received NJP for disobeying a lawful order. The punishment imposed was 7 days of extra duty. On 9 November 1984 you received NJP for failure to be at your

appointed place of duty. The punishment imposed was reduction to paygrade E-2 and 30 days of restriction.

Your record further shows that you received NJP on 14 February 1985 for wrongful use of marijuana. The punishment imposed was 30 days of correctional custody and forfeitures of \$150 per month for two months. The forfeitures were suspended for a period of six months. On 2 May 1985 you again received NJP for wrongful use of marijuana. The punishment imposed was forfeitures of \$310 per month for two months, 45 days of restriction and extra duty, and reduction to paygrade E-1.

On 6 May 1985, you were notified that separation action was being initiated by reason of misconduct due to a pattern of misconduct and drug abuse. You were advised of and waived all of your procedural rights.

On 9 May 1985, your commanding officer forwarded the separation action, recommending an other than honorable discharge, to the Commander, Naval Military Personnel Command (CNMPC). On 18 May 1985 CNMPC directed an other than honorable discharge by reason of misconduct due to drug abuse. On 24 May 1985, you were so discharged.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity. However, the Board concluded that the record fully supported the other than honorable discharge, based on six NJP's, two of which were for wrongful use of marijuana. 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