



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

TJR  
Docket No: 4835-01  
22 January 2002

[REDACTED]

Dear [REDACTED]:

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 15 January 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you reenlisted in the Navy on 13 November 1981 after four years of prior honorable service. Your record reflects that you continued to serve for two years and seven months without disciplinary incident but on 13 June 1984 you received nonjudicial punishment (NJP) for wrongful use of marijuana. The punishment imposed was a \$920 forfeiture of pay, restriction and extra duty for 30 days, and a reduction to paygrade E-4.

On 18 June 1984, after undergoing a medical examination, you were diagnosed with drug abuse and recommended for an administrative separation. The report noted, in part, that you had no desire to stop using drugs, but you would quit using drugs until you were separated from the Navy. However, on 12 September 1984, you received a second NJP for wrongful use of marijuana. The punishment imposed was a \$700 forfeiture of pay, reduction to paygrade E-3, and restriction and extra duty for 45 days. The restriction and extra duty were suspended for six months.

On 18 September 1984 you were notified of pending administrative separation action by reason of misconduct due to drug abuse. At that time you waived your rights to consult with legal counsel, present your case to an administrative discharge board, and to submit a statement in rebuttal to the discharge. On 24 September 1984 your commanding officer recommended you be discharged under other than honorable conditions by reason of misconduct due to drug abuse. On 4 October 1984 the discharge authority directed an other than honorable discharge by reason of misconduct due to drug abuse and on 11 October 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 prior honorable service and the enlisted performance evaluations submitted in support of your case. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the serious nature of your repetitive drug use, which resulted in two NJPs, and your choice to continue using drugs. 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