



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

CRS
Docket No: 4862-02
3 September 2002



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 28 August 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. A special court-martial convened on 6 March 1984 and found you guilty of three specifications of introducing marijuana into a Naval base with the the intent to distribute it, and four unspecified violations of Article 134 of the Uniform Code of Military Justice. The court sentenced you to confinement at hard labor for five months, forfeitures of \$300 per month for six months, and a bad conduct discharge. Portions of the confinement and forfeitures were later suspended when you were placed on appellate leave. You received the bad conduct discharge on 8 May 1985.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity and the contention that you suffered from post traumatic stress disorder (PTSD). However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to the seriousness of the offenses. In this regard, there is no evidence in the record, and you have

submitted none to show that you suffered from PTSD at the time of your service. Additionally, even if you did, and it became symptomatic during your period of active duty, there is no indication that the disorder caused an inability to know right from wrong or adhere to the right, or that it was sufficiently mitigating to warrant recharacterization. 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