



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

FC
Docket No: 07357-02
24 January 2003

[REDACTED]

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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 23 January 2003. 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 8 September 1980 at age 17. During the period of 22 April 1982 through 5 March 1983, you were awarded four nonjudicial punishments for failure to obey a lawful order, absence from appointed place of duty, unauthorized absence of 1 hour and 45 minutes, unauthorized absence for 3 hours and 3 minutes, and dereliction of duty. On 16 March 1983, you were awarded a fifth nonjudicial punishment for use of marijuana. The punishment imposed was forfeiture of \$286.80 for two months, restriction for 45 days, reduction to E-1, and extra duty for 45 days.

On 23 April 1983, the commanding officer (CO) informed you that you were being processed for administrative discharge by reason of misconduct due to drug abuse. You were advised of your rights and after consulting with counsel, you elected to retain right to obtain copies of documents forwarded to Commander Naval Military

Personnel Command and the right to submit statements in your own behalf. On 24 May 1983, you were awarded a sixth nonjudicial punishment for failure to obey lawful order. The punishment imposed was forfeiture of \$50.00 for two months. On 6 July 1983, the Commander Naval Military Personnel Command directed that you be separated with a discharge under other than honorable conditions, and on 21 July 1983, you were so discharged.

In its review of your case, The Board carefully weighed all potentially mitigating factors, such as your youth and immaturity and the length of time that has passed since you were discharged from the Navy. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge because of the serious nature your drug-related misconduct as well as the five other nonjudicial punishments you received. 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