



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

TJR
Docket No: 8685-07
27 October 2008

[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 21 October 2008. 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.

You enlisted in the Navy on 23 June 1984 at age 18 and served for nearly a year without disciplinary incident. However, during the period from 3 May to 20 September 1985, you were in an unauthorized absence (UA) status on two occasions for two days, but did not receive disciplinary action. You also received nonjudicial punishment (NJP) on three occasions for a one day period of UA, wrongful use of marijuana while aboard your ship, four specifications of disrespect, failure to obey a lawful order, using provoking words or gestures, and communicating a threat.

Subsequently, you were notified of pending administrative separation action by reason of misconduct due to drug abuse. After consulting with legal counsel you elected to present your case to an administrative discharge board (ADB). On 15 October 1985 an ADB recommended discharge under other than honorable conditions by reason of misconduct due to drug abuse. Your

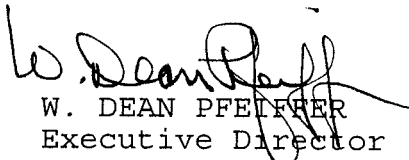
commanding officer also recommended an other than honorable discharge by reason of misconduct due to drug abuse. On 25 January 1986 the discharge authority approved these recommendations, and on 3 February 1986, you were so discharged. At that time you were assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your discharge and change your narrative reason for separation and reenlistment code. It also considered your assertion that the punishment and discharge were too severe for the offenses you committed, and that you should have been offered rehabilitation instead of being made an example. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge or a change of your narrative reason for separation or reenlistment code because of your repetitive misconduct, which resulted in three NJPs and included drug abuse. 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