



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

CRS
Docket No: 10751-07
27 June 2008

[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 25 June 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 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 Reserve on 12 January 1982 in the general assignment category of airman. You later voluntarily accepted assignment to Boiler Technician School. You received three nonjudicial punishments for offenses which included wrongful use of marijuana on two occasions, possession of marijuana, unlawful entry into an unauthorized space, and dereliction of duty.

On 11 April 1983 your commanding officer recommended that you be separated from the Navy with a discharge under other than honorable conditions by reason of misconduct due to drug abuse. When informed of the recommendation, you waived your rights to legal counsel. After review by the discharge authority, the recommendation for separation was approved and on 25 April 1983 you were separated with a discharge under other than honorable conditions by reason of misconduct.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your performance while in the service, post service accomplishments, and alleged lack of

counsel. The Board concluded that those factors are insufficient to warrant recharacterization of your discharge, given your involvement with unlawful drugs. In addition, there is no indication that you were forced into the Boiler Technician rating or that the rating was manned by drug and alcohol abusers which led you to abuse drugs. 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