



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

SMS
Docket No: 3846-08
16 January 2009

[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 14 January 2009. 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.

On 12 April 1983, you reenlisted in the Navy at age 26 after a prior period of honorable service in the Navy and a general characterization of active service in the Navy Reserve. On 14 November 1983, you were convicted by a special court-martial of wrongfully introducing marijuana on board a military base, and possession and use of marijuana. Your sentence included reduction in rank, forfeitures of pay, confinement at hard labor, and a bad conduct discharge (BCD). On 18 October 1984, your appeal was denied. After the BCD was approved at all levels of review, on 15 April 1985, you were so discharged.

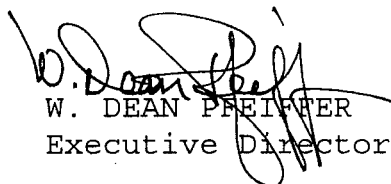
The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth and contention that your discharge resulted from one isolated incident in ten years. Nevertheless, the Board concluded that these factors and contention were not sufficient to warrant

recharacterization of your discharge due to the seriousness of your drug-related misconduct. Furthermore, although your BCD resulted from a conviction by a court-martial, the record does show that you had other disciplinary actions during your first enlistment in the Navy Reserve. Therefore, the Board concluded that the 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.

The Board noted that as a result of your prior period of general and honorable characterization of service, you may be eligible for veterans' benefits. You should contact the nearest office of the Department of Veterans Affairs if you desire clarification about your eligibility for those benefits.

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