



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

SMS  
Docket No: 4992-08  
20 February 2009

[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 19 February 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.

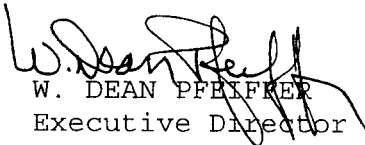
On 24 January 1980, you enlisted in the Navy at age 18. During the period 31 July 1981 to 19 November 1982, you had nonjudicial punishment on three occasions. Your offenses included two instances of possession of marijuana and use of marijuana, and disobedience of a lawful order. On 8 December 1982, your commanding officer initiated administrative separation by reason of misconduct due to drug abuse. In connection with this processing, you acknowledged that separation could result in an other than honorable (OTH) discharge and elected to have your case heard by an administrative discharge board (ADB). On 21 December 1982, an ADB convened and found that you were guilty of misconduct due to drug abuse and recommended an OTH discharge. On 24 February 1983, the separation authority approved the discharge recommendation and directed an OTH discharge by reason of misconduct due to drug abuse. On 25 February 1983, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth, post service conduct, and desire for a better discharge. The Board also considered your belief that your discharge would change after six months. Nevertheless, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to

the seriousness of your misconduct. Furthermore, there is no provision in the law or regulations that allows for recharacterization of service due solely to the passage of time or post service conduct. 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.

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