



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

SJN

Docket No: 02486-09
13 January 2010

[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 12 January 2010. 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.

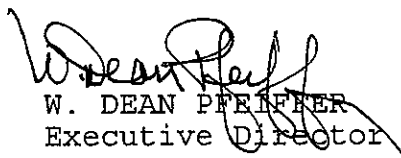
You enlisted in the Navy and began a period of active duty on 11 January 1982 at age 22. During the period from 4 June 1982 to 11 May 1983, you received three nonjudicial punishments (NJP's) for unauthorized absence, two instances of disobedience, breaking restriction, and wrongful use of marijuana. Additionally, you were counseled and warned that further misconduct could result in administrative discharge action. On 10 August 1983, you were convicted by summary court-martial (SCM) of two specifications of wrongful use of marijuana. On 26 August 1983, administrative discharge action was initiated to separate you by reason of misconduct due to drug abuse. You elected to consult counsel and have your case heard before an administrative discharge board (ADB). On 21 September 1983, an ADB recommended separation with an other than honorable discharge by reason of misconduct due to drug abuse. On 21 October 1983, you received a fourth NJP for absence from your appointed place of duty. On 31 October 1983, your commanding officer concurred with the ADB's findings and forwarded his recommendation that you be discharged for

misconduct. On 19 November 1983, the discharge authority directed an other than honorable discharge by reason of misconduct due to drug abuse. You were so discharged on 23 December 1983.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, record of service, the character letter accompanying your application, and post service accomplishments. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your misconduct that resulted in four NJP's, one of which was for drug use and another after you were notified of pending separation, and SCM conviction of drug use. 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