



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

REC
Docket No: 11635-09
5 August 2010

[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 4 August 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 March 1982, at age 23. On 13 September 1982, you received nonjudicial punishment (NJP) for wrongful possession of marijuana and introduction of it onboard your ship. After your first NJP, you were counseled and warned that further misconduct could result in administrative separation. On 18 April 1984, you were convicted by a summary court-martial (SCM) of four incidents of being in an unauthorized absence (UA) status, wrongful possession of marijuana paraphernalia and the wrongful use of marijuana. You were sentenced to forfeitures of \$300, reduction in pay grade and 30 days confinement at hard labor.

On 7 May 1984, administrative discharge action was initiated by reason of misconduct. On 10 July 1984, your case was heard by an administrative discharge board (ADB), which voted three to zero in favor of an under other than honorable discharge due to misconduct for drug abuse. Your commanding officer concurred with the ADB's recommendation and forwarded his recommendation that you be discharged under other than honorable conditions by

reason of misconduct for drug abuse. On 25 October 1984, you were so discharged. At that time you were assigned an RE-4 reenlistment code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant changing the reason or characterization of your discharge given your record of one NJP, SCM conviction, and the fact that you were counseled and warned of the consequences of further misconduct. An RE-4 reenlistment code is required when an individual is discharged due to misconduct such as 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