



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

SJN
Docket No: 06430-10
14 April 2011

[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 April 2011. 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 13 January 1981. The Board found that on 19 October 1982, you received nonjudicial punishment (NJP) for wrongful use of marijuana. You received a forfeiture of pay, a reduction in paygrade, and were placed in a drug rehabilitation program. On 15 February 1983, you tested positive for drug use and were later identified as a drug abuser. Subsequently, after two additional positive urinalyses for drug use, administrative discharge action was initiated 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 30 June 1983, the ADB recommended separation with an other than honorable discharge by reason of misconduct due to drug abuse. On 13 July 1983, you tested positive once again for drug use. On 20 July 1983, your commanding officer concurred with the ADB's finding and forwarded his recommendation that you be discharged. On 6 August 1983, the discharge authority directed an other than honorable discharge by reason of misconduct. On 17 August 1983 you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, record of service, character letters, and post service accomplishments. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your NJP for drug use and failure to adhere to your command's drug rehabilitation program by continuing to test positive for 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