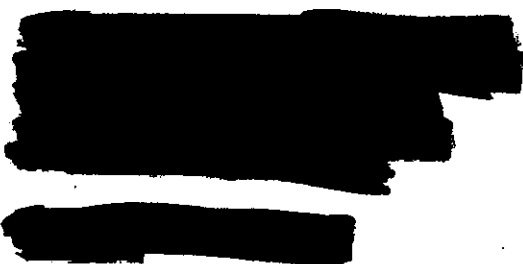




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 10999-10
20 July 2011



This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 July 2011. The names and votes of the members of the panel will be furnished upon request. 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 on 29 January 1982 at age 19 and served without disciplinary incident until 4 March 1984, when you received nonjudicial punishment (NJP) for wrongful use of marijuana. The punishment imposed was a \$572 forfeiture of pay, reduction to paygrade E-1, and restriction for 45 days. On 19 April 1984 you received NJP for use of a controlled substance, a 10 day period of unauthorized absence (UA), and four periods of absence from your appointed place of duty.

Subsequently, you were processed for an administrative separation by reason of misconduct due to drug abuse. After waiving your procedural rights, on 20 April 1984, your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to drug abuse. On 4 May 1984 the discharge authority directed your commanding officer to issue you an other than honorable discharge by reason of misconduct due to drug abuse, and on 7 May 1984, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your discharge. It also considered your assertions of not being afforded legal counsel or medical assistance, being told that your characterization of service would be upgraded 10 years after your discharge, and being discharged for "chronic" drug abuse which developed while you were serving on active duty. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge or a change in your narrative reason for discharge because of the seriousness of your repetitive drug related misconduct. Also, you were given an opportunity to defend yourself, but waived your procedural right to present your case to an administrative discharge board. Further, there is no evidence in the record, and you submitted none, to support your assertions. Finally, no discharge is automatically upgraded due solely to the passage of time. Accordingly, your application has been denied.

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