



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

TJR  
Docket No: 373-11  
21 October 2011

[REDACTED]

[REDACTED]

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 18 October 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 4 October 1977 at age 17 and immediately began a period of active duty. About four months later, on 22 February 1978, you received nonjudicial punishment (NJP) for wrongful possession of marijuana. One year later, on 22 February 1979, you received NJP for wrongful possession, use, and introduction of marijuana.

On 14 February and again on 3 March 1980 you received NJP for communicating a threat, failure to go to your appointed place of duty, and wrongful possession of marijuana. On 5 March 1980 you were convicted by summary court-martial (SCM) of absence from your appointed place of duty, neglectful damage (about \$2,000) to a government vehicle, wrongful appropriation of a \$4,600 government vehicle, and failure to submit an accident report.


Subsequently, you were processed for an administrative separation action by reason of misconduct due to drug abuse. After waiving your procedural right to consult with legal counsel and to present your case to an administrative discharge board (ADB), on

17 March 1980, your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to drug abuse. On 30 March 1980 the discharge authority approved this recommendation and directed your commanding officer to issue you an other than honorable discharge by reason of misconduct, and on 4 April 1980, 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 assertion that you were not afforded treatment for your alcohol and drug addiction. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your drug related misconduct which resulted in four NJPs and a SCM. Further, you were given an opportunity to defend yourself, but waived your procedural right to present your case to an ADB. 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