



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

TJR  
Docket No: 1157-11  
8 November 2011

[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 1 November 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 26 October 1986 at age 19 and began a period of active duty on 19 February 1987. Shortly thereafter, on 23 April 1987, you received nonjudicial punishment (NJP) for attempting to bring alcohol into your work area, absence from your appointed place of duty, and failure to obey a lawful order. About a year later, on 14 April 1988, you received NJP for disrespect, drunk and disorderly conduct, and communicating a threat. You received your third NJP on 26 October 1988 for absence from your appointed place of duty and missing the movement of your ship.

On 23 May 1989 you received NJP for wrongful possession and use of cocaine. As a result, on 28 June 1989, you were notified of pending administrative separation by reason of misconduct due to drug abuse. After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). On 7 August 1989 you received NJP for absence from your appointed place of duty. An ABD convened on 18 August 1989 and recommended separation under other than honorable conditions by reason of

misconduct due to drug abuse. About a month later, on 9 September 1989, you received your sixth NJP for absence from your appointed place of duty. Your commanding officer, in concurrence with the ADB, recommended discharge under other than honorable conditions by reason of misconduct. On 13 November 1989, while awaiting a decision from the discharge authority, you began a period of unauthorized absence (UA) that was not terminated until 10 January 1990. Although you were declared a deserter during this 58 day period of UA, the record does not reflect the disciplinary action taken, if any, for this misconduct.

Subsequently, the discharge authority approved the foregoing recommendations and directed your commanding officer to discharge you under other than honorable conditions by reason of misconduct due to drug abuse, and on 30 January 1990, 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. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct which resulted in six NJPs and included drug abuse. 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 PFIEFFER  
Executive Director