



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

TAL
Docket No: 413-12
27 September 2012

[REDACTED]

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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 26 September 2012. 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.

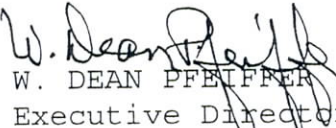
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy and began a period of active duty on 21 January 1980 at age 19. During recruit training you made a voluntary written statement that you had failed to disclose pre-service drug involvement. You stated, in part, that you wrongfully used marijuana 3,000 times from September 1974 through December 1978 and sold marijuana for profit. As a result of your failure to disclose this information, your commanding officer initiated administrative discharge action by reason of fraudulent entry as evidenced by your concealment of pre-service drug use and sales. You waived your procedural right to an administrative discharge board (ADB). On 10 April 1980 the commanding officer recommended that you be discharged with an other than honorable (OTH) characterization of service due to misconduct (fraudulent enlistment). On 15 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. However, the Board found that these factors were not sufficient to warrant recharacterization of your discharge due to your failure to disclose your pre-service drug involvement. The Board noted that you waived your right to an ADB, your best opportunity for retention or a better characterization of serviced. 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