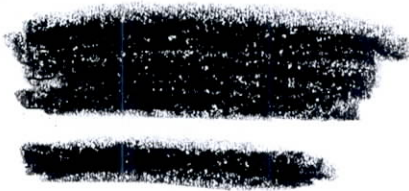




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

SJN
Docket No: 00303-13
17 October 2013



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 16 October 2013. 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.

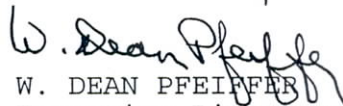
You enlisted in the Navy and began a period of active duty on 27 December 1978. The Board found that during the period from 22 April 1980 to 9 February 1982, you received three nonjudicial punishments (NJP's) for two instances of being absent from your appointed place of duty, disobedience, wrongful possession of two brass pipes with marijuana residue and marijuana, and wrongful use, possession, distribution and sale of marijuana, speed, cocaine, hashish and lysergic acid diethylamide (LSD). Additionally, you were convicted by summary court-martial (SCM) of 42 days of unauthorized absence (UA). Administrative discharge action was initiated by reason of misconduct due to wrongful drug use. You elected to consult counsel and have your case heard before an administrative discharge board (ADB). On 8 June 1982, the ADB found you had committed misconduct and recommended that you be retained on active duty. However, on 16 July 1982, your commanding officer forwarded your case concurring with the ADB finding of misconduct and despite the recommendation for retention, he recommended that you receive an other than honorable (OTH) discharge due to wrongful drug use. On 17 August 1982, the separation authority directed a general discharge due to convenience of the government. On 3 November 1982, your separation was held in abeyance until you were off light duty due to treatment and a pending medical board. On 14 February 1983, a medical board found you fit for duty and placed you on light duty for six months. On 3 May 1983, the separation authority stated that the additional limited duty authorization was inappropriate, and requested that action be initiated for a medical board to conduct a reevaluation to

determine your fitness for separation. On 2 June 1983, your medical board was completed and you were returned to your command. On 1 July 1983, you received a forth NJP for wrongful use of marijuana. Subsequently, administrative discharge action was initiated by reason of misconduct due to wrongful drug use. You waived your rights to consult counsel, submit a statement or have your case heard by an ADB. Your case was forwarded recommending that you be discharged under OTH conditions by reason of misconduct. Your commanding officer stated, in part, that in spite of counseling, you continued to flaunt Navy-wide initiatives to promote Zero Tolerance of substance abuse and that your general discharge was held in abeyance pending resolution of your limited duty status due to prolonged medical treatment. On 29 July 1983, the separation authority concurred and directed an OTH discharge by reason of misconduct due to drug abuse. You were so discharged on 9 August 1983.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, record of service, post service accomplishments and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your four NJP's, three of which involved wrongful possession and use of drugs, and conviction by SCM of a lengthy period of UA. Finally, the Board noted that you waived the right to an ADB, your best chance for retention or a better characterization of service. 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