



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

TJR
Docket No: 1096-01
26 July 2001

[REDACTED]

Dear [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 17 July 2001. 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.

The Board found you enlisted in the Navy on 13 August 1979 at the age of 23. Your record reflects that on 28 February 1980 you received nonjudicial punishment (NJP) for two specifications of wrongful use of marijuana and possession of marijuana. The punishment imposed was a \$100 forfeiture of pay, restriction and extra duty for 14 days, and a reduction in rate.

Your record further reflects that on 21 August 1981 you were convicted by civil authorities of drunkenness and possession of marijuana. You were sentenced to a \$10 fine and your name was placed on a first offender's list. On 11 September 1981 you received NJP for absence from your appointed place of duty. The punishment imposed was restriction for 20 days, a \$200 forfeiture of pay, and a suspended reduction to paygrade E-2.

Your record contains an entry which indicates that on 24 June 1982 a recommendation for your advancement was withdrawn due to your refusal to participate in a drug and alcohol abuse rehabilitation program. Subsequently, you were processed for an administrative separation by reason of unsuitability due to

alcohol abuse. On 9 July 1982 the discharge authority directed an honorable discharge by reason of unsuitability due to alcohol abuse, and on 22 July 1982 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 immaturity. However, the Board concluded these factors and contention were not sufficient to warrant a change in your narrative reason for separation discharge because of the serious nature of your repetitive drug and alcohol related misconduct in both the military and civilian communities, and your refusal to participate in an appropriate rehabilitation program. Given all the circumstances of your case, the Board concluded your narrative reason for separation was proper as issued and no change is warranted. 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