



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

TRG
Docket No: 4291-01
25 October 2001

[REDACTED]

Dear [REDACTED]

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 23 October 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 23 June 1982 at age 18. You satisfactorily completed initial training and on 21 September 1982 you reported to your first duty station. During 1983, you received nonjudicial punishment on four occasions. Your offenses were two instances of use of marijuana, possession of drug paraphernalia, two instances of assault and an unauthorized absence of about four days.

Based on the foregoing record, you were processed for an administrative discharge by reason of misconduct. Subsequently, an administrative discharge board recommended discharge by reason of misconduct with a discharge under other than honorable conditions. After review by the discharge authority, this recommendation was approved and you were so discharged on 14 October 1983.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, and your contention, in effect, that your misconduct was caused by drug and alcohol addiction. The Board found that these factors and contentions were not sufficient to warrant recharacterization of

your discharge given your record of misconduct. Although there are two drug related nonjudicial punishments in the record, there is no evidence in that record, and you have submitted none, to show that you were addicted to drugs or alcohol while you were in the Navy. However, regulations state that drug and alcohol abuse is not an excuse for misconduct and disciplinary action and discharge processing are appropriate in such cases. The Board concluded that the discharge 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