



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

TJR  
Docket No: 4736-01  
19 December 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 11 December 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 reenlisted in the Navy on 29 October 1982 after three years of prior honorable service. Your record reflects that on 20 June 1983 you were convicted by summary court-martial (SCM) of four specifications of wrongful use of cocaine and four specifications of wrongful use of marijuana. You were sentenced to confinement at hard labor for 30 days, reduction to paygrade E-1, and a \$382 forfeiture of pay. On 8 December 1983 you received nonjudicial punishment (NJP) for a 27 day period of unauthorized absence (UA) and dereliction in the performance of your duties. The punishment imposed was a \$550 forfeiture of pay and restriction and extra duty for 30 days.

Your record further reflects that on 25 January 1984 you received NJP for wrongful use of marijuana and failure to submit to drug testing. The punishment imposed was restriction for 60 days and a \$550 forfeiture of pay. Shortly thereafter, on 4 February 1984, you were notified of pending administrative separation action by reason of misconduct due to drug abuse. At that time you waived your rights to consult with legal counsel and to present your case to an administrative discharge board. On 6

April 1984 your commanding officer recommended you be discharged under other than honorable conditions by reason of misconduct due to drug abuse. On 10 April 1984 the discharge authority directed an other than honorable discharge by reason of misconduct, and on 11 May 1984 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your prior honorable service, post service conduct, and your contention that clemency is warranted in your case because it is an injustice for you to continue to suffer from the adverse consequences of your discharge. The Board also considered your contentions that under today's standards you would not have received an other than honorable discharge, your discharge and punishment were too harsh, your ability to serve was impaired, your command abused its authority during your separation process, and illegal and inappropriate practices/policies were used in determining your discharge. The Board concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge because of the serious nature of your repetitive drug related misconduct. The Board noted that you submitted no evidence in support of these contentions, and the record contains no such evidence. Along these lines, the Board noted that under today's standards, you would received exactly the same type of discharge. In fact, you would be discharged after your first incident of drug related misconduct. Given all the circumstances of your case, the Board concluded your 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