



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

TRG
Docket No: 7999-00
20 June 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 19 June 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.

The Board found that you enlisted in the Naval Reserve on 28 October 1980 at age 18 and reported for three years of active duty that same day. At the time of enlistment you were granted a preservice drug waiver and agreed that you would not use drugs while in the Navy. On 5 April 1982 you received nonjudicial punishment (NJP) for use of marijuana. On 1 December 1982 you received another NJP for an unauthorized pass offense and gambling. On 23 August 1983 you received NJP for possession of marijuana and drug paraphernalia.

Based on your use of drugs, you were processed for an administrative discharge. The record shows that you refused to make an election as to whether to have your case heard by an administrative discharge board. On 7 September 1983, the commanding officer recommended that you be discharged under other than honorable conditions and stated, in part, as follows:

... (He) has refused to cooperate with this Admin Separation processing, hoping to stall until he could be separated at his EAOS 27 OCT 83 and thereby avoid accountability for his misconduct. He failed to

respond to notification of processing and specific request to respond, leaving this command no choice but to proceed with processing. It would be easy to let him go quietly at EAOS but to do so would discredit the Navy's zero tolerance of drug abuse and possibly encourage drug abuse among short timers.

On 22 September 1983 the discharge authority approved the recommendation of your commanding officer that you be discharged for misconduct with a discharge under other than honorable conditions. You were so discharged on 26 September 1983.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and your contention that you were never offered any help with your drug problem. You state that you have overcome your drug and alcohol problems and need a better discharge to help provide for your family. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your repeated drug abuse and other misconduct. The Board believed that you were fortunate to have been retained in the Navy after your first incident of drug abuse, and were on notice that further drug abuse would result in discharge. The record shows that you were evaluated prior to discharge and found not to be drug dependent. 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