



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

TJR
Docket No: 8111-01
15 May 2002

[REDACTED]

[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 14 May 2002. 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 on 1 June 1976 at the age of 17. Your record reflects that you served for a year without disciplinary incident until 23 June 1977 when you received nonjudicial punishment (NJP) for possession of marijuana and were awarded a suspended restriction and extra duty, and a \$150 forfeiture of pay. On 12 July 1977 you received NJP for possession and use of marijuana, and possession of drug paraphernalia. The punishment imposed was a \$200 forfeiture of pay and restriction and extra duty for 30 days. Shortly thereafter, on 25 August 1977, you received NJP for possession of marijuana and were awarded a \$200 forfeiture of pay. On 4 November 1977 you received your fourth NJP for failure to obey a lawful order. The punishment imposed was restriction and extra duty for 14 days and a \$50 forfeiture of pay.

On 11 January 1978 you received NJP for two periods of unauthorized absence (UA) totalling 17 days, three specifications of disrespect, and two specifications of disobedience. The punishment imposed was restriction and extra duty for 40 days and a \$200 forfeiture of pay.

On 12 January 1978 you were notified of pending administrative separation action by reason of misconduct. After consulting with legal counsel, you waived your right to present your case to an administrative discharge board in lieu of a recommendation for a general discharge. On 23 January 1978 your commanding officer recommended you be issued a general discharge by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. This recommendation was approved and the discharge authority directed a general discharge by reason of misconduct. On 15 February 1978 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 and your contention that your repeated requests for transfer were not approved. It also considered your contention that the characterization of your discharge prevents you from becoming a peace officer. Nevertheless, the Board concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge or a change of your narrative reason for separation because of your repetitive misconduct, which resulted in five NJPs, three of which were drug related. 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