



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

TJR
Docket No: 8114-01
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 18 March 1981 at the age of 26. Your record reflects that you served for nearly two years without disciplinary incident but on 19 February 1983 you received nonjudicial punishment (NJP) for possession and use of marijuana and hashish. The punishment imposed was a \$708 forfeiture of pay and restriction and extra duty for 45 days. On 18 July 1983 you received NJP for destruction of property and were awarded a \$642 forfeiture of pay, reduction to paygrade E-2, and restriction and extra duty for 45 days. On 2 August and again on 2 September 1983 you received NJP for absence from your appointed place of duty, being drunk while on duty, and making a false official statement.

Subsequently, you were notified of pending administrative separation action by reason of misconduct due to drug abuse, a pattern of misconduct, and frequent involvement of a discreditable nature with military and civilian authorities. At that time you waived your rights to consult with legal counsel and to present your case to an administrative discharge board. On 30 August 1983 your commanding officer recommended an other

than honorable discharge by reason of misconduct. On 16 September 1983 the discharge authority approved this recommendation and directed an other than honorable discharge, and on 21 September 1983 you were so discharged.

The Board, in its review of your entire record and application, carefully considered all mitigating factors, such as your contention that most of your problems were caused by alcohol abuse, workload pressures, and personality conflicts with your superiors. It also considered your letter of commendation for professional achievement during the period from 21 December 1982 to 23 May 1983. Nevertheless, the Board found these factors and contentions were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct, which included drug abuse. 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