



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

TJR
Docket No: 2118-02
19 September 2002



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 17 September 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 8 June 1983 at the age of 19. You served for a year and three months without disciplinary incident. However, on 18 September 1984, you received nonjudicial punishment for insubordination. The punishment imposed was an oral admonition, restriction for 15 days, and a suspended reduction in rate. On 15 January 1985 you received NJP for failure to go to your appointed place of duty, a 28 day period of unauthorized absence (UA), and wrongful use of a controlled substance. The punishment imposed was a written reprimand, a \$620 forfeiture of pay, restriction for 30 days, and reduction in rate.

On 12 February 1987 you received your third NJP for wrongful use of cocaine and were awarded restriction and extra duty for 45 days, a \$738 forfeiture of pay, and reduction to paygrade E-3. Shortly thereafter, on 19 February 1987, you were notified that administrative separation action had been initiated by reason of misconduct due to drug abuse as evidenced by your use of cocaine and marijuana. At that time you waived the rights to consult

with legal counsel and to present your case to an administrative discharge board. On 25 February 1987, following a psychiatric evaluation, you were diagnosed with a severe personality disorder and recommended for an administrative separation. The recommendation stated, in part, as follows:

The Patient was admitted after reportedly ingesting up to 15 Naldecon. She has been uncooperative and resistive to any treatment efforts. She blames the Navy for all of her problems and sees no solution other than immediate separation. Initial diagnostics impression is a severe mixed personality disorder with borderline and immature features and suicide gestures. Immediate administrative processing for separation is imperative because of the severity of the Patient's personality disorder. Failure to act promptly is likely to result in future deliberate destructive acting out with possible unwanted serious consequences.

On 27 February 1987 your commanding officer recommended an other than honorable discharge by reason of misconduct due to drug abuse. This recommendation further stated that your two incidents of drug abuse were clear indications of your refusal to adhere to the Navy's Zero Tolerance Policy. Subsequently, the discharge authority directed discharge under other than honorable conditions by reason of misconduct due to drug abuse, and on 9 March 1987 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 you experienced depression prior to enlistment, and that your attempted suicide showed signs of instability. It also considered your contention that your record contains duplicate and incorrect entries which you believe were taken into consideration when your request for benefits was denied. Nevertheless, the Board concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge because of your repeated drug abuse. Further, the Board noted that your administrative separation was based solely on your misconduct as evidenced by the three NJPs, two of which were drug related. Accordingly, your application has been denied.

In regards to the court-memorandum in your record pertaining to another individual who received NJP on 9 December 1983, you should contact the Department of the Navy, Navy Personnel Command (BUPERS), 5720 Integrity Drive, Millington, TN 38055 to request an administrative correction to your record.

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