



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

TJR
Docket No: 3349-02
13 November 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 13 November 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 12 July 1977 at the age of 18. During the period from 9 July to 1 August 1979, after undergoing a medical evaluation, you were diagnosed with chronic alcoholism and admitted to a rehabilitation program. However, this treatment was terminated when you began an unspecified period of unauthorized absence (UA).

On 4 January and again on 7 March 1980, you received nonjudicial punishment (NJP) for two specifications of wrongful possession of marijuana.

On 26 August 1981 you were notified of pending administrative separation action by reason of unsuitability. At that time you waived your procedural rights. On 28 August 1981 your commanding officer recommended an administrative separation by reason of unsuitability. On 1 October and 27 November 1981 you received NJP for two specifications of wrongful possession of marijuana and disrespect.

On 3 February 1982 you were convicted by special court-martial (SPCM) of failure to go to your appointed place of duty, absence from your appointed place of duty, selling marijuana, and transferring marijuana. You were sentenced to a \$900 forfeiture of pay, confinement at hard labor for 75 days, and reduction to paygrade E-2. On 19 February 1982, after undergoing a psychiatric examination for suicidal ideation, you were diagnosed with a personality disorder with immature and antisocial personality features. At that time you denied suicidal ideation and refused drug abuse treatment.

On 12 April 1982 you received your fifth NJP for disobedience and were awarded restriction and extra duty for 30 days and a suspended reduction to paygrade E-1. Shortly thereafter, on 5 May 1982, you were notified of pending administrative separation action by reason of misconduct due to frequent involvement of a discreditable nature with military and civilian authorities and drug abuse, and by reason of unsuitability by reason of the diagnosed personality disorder. At that time you waived your right to consult with legal counsel and to present your case to an administrative discharge board. Your commanding officer then recommended an other than honorable discharge by reason of misconduct due to frequently involvement of a discreditable nature with military and civilian authorities and drug abuse, and unsuitability by reason of the diagnosed personality disorder. On 12 May 1982 the discharge authority directed an other than honorable discharge by reason of misconduct due to drug abuse, and on 4 June 1982 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, character reference letters, and your contentions that you did not get into trouble until after the death of your father and when your request for a hardship discharge was denied. Nevertheless, the Board concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge because of your repetitive drug related misconduct which resulted in five disciplinary actions. Further, the Board noted that there is no evidence in your record, and you submitted none, to support your contentions. 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