



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

TJR
Docket No: 7617-02
27 May 2003

[REDACTED]

Dear [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 20 May 2003. 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 7 November 1980 at age 18. You served for two years and six months without incident, but on 7 May 1982, you received nonjudicial punishment (NJP) for possession of marijuana. The punishment imposed was restriction and extra duty for 30 days, a \$600 forfeiture of pay, and reduction to paygrade E-3. On 20 June 1982, after undergoing a medical evaluation, you were found not to be drug dependent and it was determined that rehabilitation treatment was not required.

On 13 May 1983 you received NJP for marijuana use and were awarded restriction and extra duty for 30 days, a \$200 forfeiture of pay, and a suspended reduction in rate. On 10 August 1983 your urine tested positive for controlled substances, however, you were found not to be drug dependent.

On 16 August 1983 you were notified of pending administrative separation action by reason of misconduct due to drug abuse. At that time you waived your right to consult with legal counsel and to present your case to an administrative discharge board. On 21

August 1983 your commanding officer recommended an other than honorable discharge by reason of misconduct due to drug abuse. On 28 August 1983 the discharge authority then directed an other than honorable discharge by reason of misconduct due to drug abuse, and on 30 August 1983 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 period of good service. The Board also considered your contention of good post service conduct. However, a Federal Bureau of Investigation (FBI) report states that since discharge, you have been convicted by civil authorities for resisting arrest. Nevertheless, the Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge because of your repetitive drug related misconduct. 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