



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

FC  
Docket No: 01829-03  
21 August 2003

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10 of the 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 August 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 5 December 1983. You served without incident until 21 November 1985, when you received nonjudicial punishment (NJP) for use of marijuana and were awarded restriction, extra duty, and a reduction to paygrade E-2. On 11 March 1986, a medical officer diagnosed you as being psychologically dependent on drugs. On 20 March 1986 you received a second NJP for a 54-day period of unauthorized absence, missing ship's movement, and use of marijuana, and were awarded restriction, extra duty, forfeitures of pay, and a reduction to paygrade E-1.

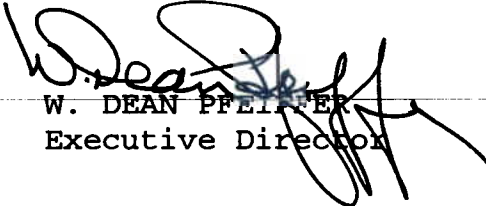
On 30 March 1986, you were notified of administrative separation processing and you waived all of your procedural rights. On 27 March 1986 the commanding officer recommended an other than honorable discharge by reason of misconduct due to drug abuse and

commission of a serious offense. On 1 April 1986, the separation authority directed that you be separated with an other than honorable discharge by reason of misconduct, and that prior to discharge, you be offered drug rehabilitation treatment at a Veterans Administration (VA) facility. On 4 April 1986, you were offered VA treatment but declined to participate. On that same day, you were discharged under other than honorable conditions by reason of misconduct.

In its review of your case, the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, and the length of time that has passed since you were discharged from the Navy. However, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your serious misconduct that included two counts of drug use, missing ship's movement, and a lengthy period of unauthorized absence. The Board also noted that you declined VA in patient treatment when offered it. 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