



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

TJR  
Docket No: 8586-06  
12 July 2007

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 11 July 2007. 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 20 August 1980 at age 18. During the period from 20 May 1981 to 29 April 1985 you received nonjudicial punishment on seven occasions for failure to obey a lawful order, four periods of absence from your appointed place of duty, failure to go to your appointed place of duty, two specifications of missing the movement of your ship, being incapacitated for duty, disrespect, a one day period of unauthorized absence (UA), and assault.

On 20 March 1986 you received your eighth NJP for five periods of absence from your appointed place of duty and were awarded extra duty and restriction for three days. Shortly thereafter, you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct. After consulting with legal counsel, you elected to present your case

to an administrative discharge board (ADB) and submit a statement of rebuttal to the discharge. However, on 22 April 1986, you waived your right to an ADB in lieu of a recommendation for a general discharge. Accordingly, your commanding officer submitted a conditional waiver to the discharge authority which recommended discharge under honorable conditions by reason of misconduct due to a pattern of misconduct.

On 23 April 1986 a drug and alcohol report stated that on 14 April 1986 your urine sample tested positive for marijuana. As a result, on 28 April 1986, your commanding officer withdrew the recommendation for a general discharge pending trial for the foregoing drug abuse. Subsequently, the discharge authority disapproved the conditional waiver and directed your commanding officer to reprocess you for a discharge under other than honorable conditions by reason of misconduct due to a pattern of misconduct and drug abuse. On 1 May 1986 you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct and drug abuse. At that time you waived your right to consult with legal counsel and to present your case to an ADB. On 3 May 1986 you were convicted by summary court-martial of drug abuse. On 5 May 1986 your commanding officer recommended discharge under other than honorable conditions. The discharge authority approved this recommendation and directed an other than honorable discharge, and on 13 May 1986 you were so discharged.

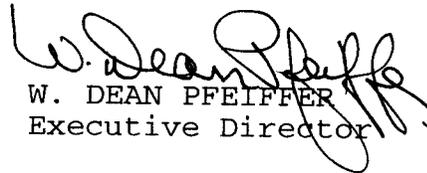
The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and assertion that your discharge was unfair and unjust and was the result of a disagreement. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct which resulted in eight NJPs, a court-martial conviction, and included drug abuse. Finally, there is no evidence in the record, and you have submitted none, to support your assertion of receiving an unfair or unjust discharge. 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