



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

TJR
Docket No: 8619-06
17 July 2007

[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 17 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 reenlisted in the Navy on 26 October 1984 at age 17 and served without disciplinary incident until 1 July 1985, when you received nonjudicial punishment (NJP) for absence from your appointed place of duty, three specifications of failure to obey a lawful order, making a false official statement, and false and/or unauthorized pass offenses. About a month later, on 28 August 1985, you received NJP for a three day period of unauthorized absence (UA), two periods of absence from your appointed place of duty, failure to obey a lawful order, wrongful possession of drug paraphernalia, destruction of government property valued at \$100, two specifications of wrongful possession of marijuana, and drunk and disorderly conduct. Shortly thereafter, on 2 October 1985, you received your third NJP for wrongful possession of marijuana and were awarded extra duty and restriction for 45 days and a \$620 forfeiture of pay.

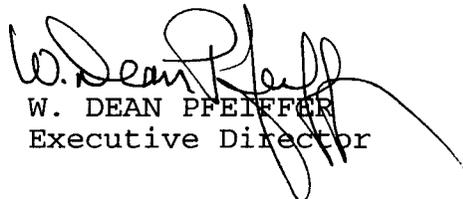
On 10 October 1985 you were notified of pending administrative separation by reason of misconduct due to a pattern of misconduct and drug abuse. At that time you waived your right to consult with legal counsel and to present your case to an administrative discharge board (ADB). On 22 October 1985, your commanding officer recommended an other than honorable discharge by reason of misconduct due to a pattern of misconduct and drug abuse. On 2 November 1985 the discharge authority approved this recommendation and directed a other than honorable discharge by reason of misconduct, and on 12 November 1985 you were so discharged.

The Board, in its review of your record and application, carefully weighed all potentially mitigating factors, such as your youth and post service conduct. It also considered your desire to obtain veteran's benefits. 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 three NJPs. 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