



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

TJR  
Docket No: 3673-07  
11 February 2008



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 7 February 2008. 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 30 December 1981 at age 17. You served without disciplinary incident until 28 July 1983, when you received nonjudicial punishment (NJP) for wrongful use of marijuana. The punishment imposed was extra duty for 15 days, a reduction in paygrade, and a \$642 forfeiture of pay. Shortly thereafter, on 7 July 1983, you received NJP for two specifications of wrongful use of marijuana. The punishment imposed was extra duty for 15 days, a reduction in paygrade, and a \$572 forfeiture of pay.

Your record contains a drug and alcohol report dated 30 August 1983 which states, in part, that as a result of a random urinalysis and a unit sweep, your urine samples tested positive for marijuana.

Subsequently, you were processed for an administrative separation by reason of misconduct due to drug abuse. The discharge authority directed separation under other than honorable conditions by reason of misconduct and on 29 September 1983 you were so discharged and assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, period of honorable service, and your assertion that you never used illegal drugs. It also considered your supporting documentation regarding urinalysis testing. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge or a change of your reenlistment code or narrative reason for separation because of the seriousness of your drug related misconduct. Finally, there is documented evidence in the record that is contrary to your assertion. 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 PFENFRER  
Executive Director