



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

TJR  
Docket No: 3811-07  
15 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 12 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 27 May 1980 at age 18 and served without disciplinary incident until 24 January 1982, when you received nonjudicial punishment (NJP) for wrongful use of marijuana and were awarded restriction and extra duty for 30 days, reduction to paygrade E-2, and a \$400 forfeiture of pay.

On 15 July 1983 you were convicted by summary court-martial (SCM) of two specifications of wrongful possession and use of marijuana. You were sentenced to a \$382 forfeiture of pay, reduction to paygrade E-1, and confinement at hard labor for 30 days. Shortly thereafter, on 8 August 1983, a drug and alcohol report stated, in part, that you refuse to participate in a rehabilitation program for substance abuse.

About two months later, on 14 October 1983, you were notified of pending administrative separation action by reason of misconduct due to drug abuse and frequent involvement of a discreditable nature with military authorities. After consulting with legal counsel you waived your right to present your case to an

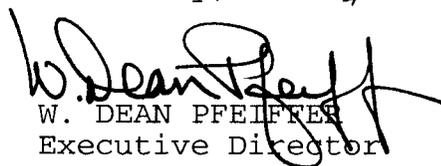
administrative discharge board (ADB). On 18 October 1983 your commanding officer recommended an other than honorable discharge by reason of misconduct due to drug abuse as evidenced by your repeated positive urinalyses. On 4 December 1983 the discharge authority directed discharge under other than honorable conditions by reason of drug abuse, and on 8 December 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 desire to upgrade your discharge so that you may obtain medical benefits. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive drug related misconduct. Finally, you were given an opportunity to **defend yourself, but waived your procedural right to present your case to an ADB.** 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