



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

SJN
Docket No: 04075-07
6 February 2008

[REDACTED]

[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 29 January 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.

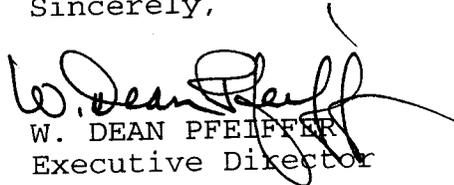
You reenlisted in the Navy on 9 March 1984 after four years of honorable service. On 19 December 1984, you received nonjudicial punishment (NJP) for wrongful use of marijuana. On 6 December 1985, the Counseling and Assistance Center (CAAC) found you to have been psychologically dependent on alcohol. At that time you were recommended for Level III rehabilitation for alcohol dependency, which included attending Alcoholic Anonymous meetings and daily antabuse. On 23 April 1986, you received a second NJP for wrongful use of marijuana.

On 15 May 1986, administrative discharge action was initiated by reason of misconduct due to drug abuse. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). Your commanding officer forwarded his recommendation that you be discharged under other than honorable conditions by reason of misconduct due to drug abuse. On 30 May 1986 the discharge authority directed an other than honorable discharge due to drug abuse. On 12 June 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, period of prior honorable service, last period of overall service, and post-service medical condition. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your two NJP's for drug use, and failure to refrain from drug use after being placed in an alcohol rehabilitation program. Further, you waived the right to an ADB, your best chance for retention or a better characterization of service. 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