



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

SMW  
Docket No: 5739-07  
25 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 21 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.

On 17 July 1979, you enlisted in the Naval Reserve at age 18 and began a period of active service on 2 October 1979. During the period 11 July 1980 to 7 April 1981, you had four nonjudicial punishments (NJP's). Your offenses included three instances of possession of a controlled substance and indecent exposure. On 14 April 1981, your commanding officer initiated administrative separation by reason of misconduct due to frequent discreditable involvement and drug abuse. In connection with this processing, you acknowledged that separation could result in an other than honorable (OTH) discharge and waived the right to have your case heard by an administrative discharge board (ADB). On 23 April 1981, you received a medical evaluation during which you admitted using marijuana. On 25 April 1981, a drug disposition message stated that you failed to show for three substance abuse appointments. On 6 May 1981, you had NJP for eight instances of failure to go to your appointed place of duty. On 19 May 1981, the separation authority approved the separation

recommendation and directed an OTH discharge by reason of misconduct due to drug abuse. On 26 May 1981, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth. The Board also considered your contention that a DD Form 214 was issued at the time of your discharge, which showed that you received a general discharge due to failure to adapt. Nevertheless, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to the seriousness of your repetitive drug-related misconduct. Regarding your contention, there is no evidence in the record to show that you were ever issued a general discharge due to failure to adapt. Finally, the Board noted that you waived the right to have your case heard by an ADB, your best opportunity for retention or a more favorable characterization of service. Therefore, the Board concluded that the discharge was proper as issued and no change is warranted. 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 PFEFFER  
Executive Director