



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

TJR  
Docket No: 6328-07  
17 April 2008

[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 15 April 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 26 April 1985 at age 19. You served without disciplinary incident until 21 February 1986, when you received nonjudicial punishment (NJP) for a 53 day period of unauthorized absence (UA). The punishment imposed was restriction and extra duty for 45 days, a \$638 forfeiture of pay, and reduction to paygrade E-1. About two months later, on 25 April 1986, you received NJP for wrongful use of a controlled substance and were awarded restriction and extra duty for 45 days and a \$600 forfeiture of pay.

Subsequently, you were notified of pending administrative separation action by reason of misconduct due to 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 10 May 1986 your commanding officer recommended separation under other than honorable conditions by reason of misconduct due to drug abuse. On 15 May 1986 the discharge authority approved this recommendation and directed an other than honorable discharge, and on 16 May 1986, you were so separated.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your post service conduct and the passage of time. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your drug related misconduct and lengthy period of UA. Finally, no discharge is automatically upgraded due solely to the passage of time or an individual's good post service conduct. 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