



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

TJR  
Docket No: 7798-07  
4 September 2008

[REDACTED]

Dear [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 3 September 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 20 May 1981 after four years of prior honorable service. You continued to serve without disciplinary incident until 9 September 1983, when you received nonjudicial punishment (NJP) for wrongful use of marijuana. The punishment imposed was restriction and extra duty for 30 days, a \$200 forfeiture of pay, and reduction in rate.

On 16 August 1984 you received NJP for wrongful possession and use of marijuana. Shortly thereafter, on 20 August 1984, 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). Subsequently, on 18 September 1984, your commanding officer recommended an other than honorable discharge by reason of misconduct due to drug abuse. On 27 September 1984 the discharge authority directed discharge under other than honorable conditions by reason of drug abuse.

On 6 October 1984 you again received NJP for wrongful possession and use of marijuana and were awarded a \$596 forfeiture of pay, reduction in rate, and extra duty and restriction for 45 days. Subsequently, on 15 October 1984, you received an other than honorable discharge by reason of misconduct.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, post service conduct, and assertion that your discharge may have been influenced by your commanding officer's anger. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your drug related misconduct which resulted in three NJPs. Further, there is no evidence in the record, and you submitted none, to support your assertion. 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.

You should contact the Department of the Navy, Navy Personnel Command (BUPERS), Sailor Assistance Center, Code Pers-312F, 5720 Integrity Drive, Millington, TN 38055-3120 to request an administrative correction to your social security number on your Certificate of Discharge or Release from Active Duty (DD Form 214).

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