



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

TRG
Docket No: 8230-07
15 February 2008

[REDACTED]

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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 5 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 22 September 1982 at age 18. On 17 November 1983 you were convicted by a summary court-martial of breach of the peace and assault. Subsequently you were counseled on several occasions concerning your abuse of alcohol and drugs, but were not found to be drug dependent. On 14 March 1984, you received nonjudicial punishment for an unauthorized absence of about six hours and possession of marijuana. On 12 December 1984, you were evaluated and found to be an abuser of drugs and alcohol and your further involvement in abuse was considered likely.

On 9 January 1983, you were convicted by civil authorities of driving under the influence and not having a valid driver's license. The sentence of the court included five days confinement, a \$250 fine and 50 hours of community service.

Based on the foregoing record, you were processed for an administrative discharge. An administrative discharge board (ADB) met on 23 January 1983 and inexplicably recommended your retention in the Navy. The commanding officer disagreed with the decision of the ADB and recommended a general discharge.

After review the separation authority recommended discharge by

reason of best interest of the service. On 9 May 1985 the Assistant Secretary of the Navy (Manpower and Reserve Affairs) approved a general discharge by reason of best interest of the service and you were so discharged on 6 June 1985.

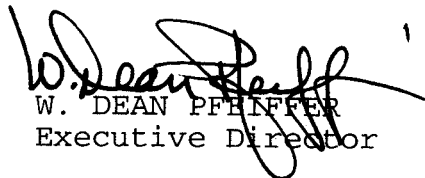
In your application, you are requesting that your record be corrected to show that you were discharged in June 1986 vice the discharge of 6 June 1985 now of record. As indicated, your record clearly shows that you were discharged on 6 June 1985 and there is no basis for a correction to show a later date of discharge.

Additionally, the Board concluded that you were fortunate to have received a general discharge since a discharge under other than honorable conditions was authorized. Therefore, the Board concluded that the general discharge of 6 June 1985 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 PFIEFFER
Executive Director