



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

SJN
Docket No: 09066-07
3 November 2008

[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 October 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 and began a period of active duty on 26 September 1977 at age 19. On 25 June 1979, you received nonjudicial punishment (NJP) for absence from your appointed place of duty and disrespect. On 20 September 1979, you were convicted by special court-martial (SPCM) of possession and introducing 800 Thai Sticks (marijuana) onboard a naval vessel. You were sentenced to a reduction in paygrade and a bad conduct discharge (BCD). The BCD was suspended for a period of 12 months. On 11 January 1980, the convening authority approved your sentence. However, on 27 March 1980, the Chief of Navy Personal (CNP) directed that you be processed for an administrative discharge.

On 17 April 1980, administrative discharge action was initiated to separate you by reason of misconduct due to drug abuse. After being advised of your procedural rights, you elected only to submit a statement on your behalf. On 6 May 1980, your commanding officer forwarded your case strongly recommending that you be retained on active duty.

On 3 June 1980, CNP forwarded your case to the Secretary of Navy recommending that you be separated from the Navy due to the seriousness of the offenses. On 19 June 1980, the separating authority concurred with the CNP, and directed that you be discharged under other than honorable conditions by reason of misconduct. On 3 July 1980 you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your misconduct that resulted in one NJP and conviction by SPCM for a serious offence. 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