



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

TJR  
Docket No: 149-08  
1 December 2008

[REDACTED]

[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 25 November 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 8 April 1981 after nearly four years of prior honorable service. You continued to serve without disciplinary incident until 18 March 1982, when you received nonjudicial punishment (NJP) for destruction of government property. On 18 October 1982 you received NJP for dereliction of duty and were awarded restriction and extra duty for 14 days.

On 17 October 1984 you received your third NJP for dereliction of duty and wrongful use of marijuana. Shortly thereafter, on 5 November 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). On 4 December 1984 your commanding officer recommended an other than honorable discharge by reason of misconduct due to drug abuse. This recommendation stated, in part, that your urine sample tested positive for marijuana and amphetamines and that you had no desire to discontinue your drug usage. On 20 December 1984 the discharge authority approved this recommendation, and on 31 December 1984, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your prior honorable service, post service conduct, and assertion that you are no longer drug dependent. It also considered your desire to upgrade your discharge so that you may obtain employment and a security clearance. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct which resulted in three NJPs and included wrongful use of marijuana and amphetamines. Further, the Board noted you had no desire to discontinue your drug usage while serving in the Navy. 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.

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